

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 23, 2014

Mayor Philip Levine
Vice-Mayor Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:31:38 a.m.

Invocation given by Rabbi Solomon Schiff.

Pledge of Allegiance led by Police Chief Oates.

8:43:28 a.m.**New Media Ambassador Introduction**

Jimmy Morales, City Manager, stated that Miami Beach receives a great deal of media attention, locally, statewide and nationally. In an effort to strive to improve its communications function and to deal with the media in a proactive manner, City Manager Morales announced that Julia Yarbough had joined the City of Miami Beach. He welcomed Julia Yarbough to the team. Mr. Morales has known Ms. Yarbough for many years - Julia was a news anchor in South Florida, and has many years of experience in the profession. She recently did consulting work and documentaries in other countries including Africa. Mr. Morales encouraged her to join the City to be the City's media ambassador and work with the Communications Department and all departments, including the Police Department, since they get a great deal of media attention, and to work in terms of not only helping by training on how to react to the media on certain occasions, but also put out the proactive message of what the City is doing on different fronts, and bring her expertise in front of and behind the camera with production ideas, etc. He welcomed Ms. Yarbough.

Julia Yarbough thanked the City Manager and the City Commission for bringing her onboard. They already have a couple of things lined up that they are looking to promote, and do video and print stories. She knows that they have a great deal happening in Miami Beach that people do not know about, so with herself and the other members of the Communication team, they can give the local news media a run for their story telling, since now the City can do their own. She looks forward to working closely with everyone in the City.

Mayor Levine welcomed Ms. Yarbough.

Jimmy L. Morales, City Manager, added that they are asking Julia to work with staff. A great deal of staff are being interviewed about issues, and she can do more media training, particularly with the Battalion Chiefs in the Fire Department, Detectives and Police Officers on the scene to make sure they have full media training, and she will be spearheading that as well.

9:05:44 a.m.

Rafael E. Granado, City Clerk, announced the following correction:
R7DD Correct name is "Great Lakes Dredge and Dock."

Items moved from Consent to Regular Agenda:

R7EE (formerly C7T)
R5FF (formerly C7I)
R7CC (formerly R9F)

SEPARATED ITEMS:

C7V	Mayor Levine
C4D & C4L	Commissioner Malakoff
C7I	Commissioner Tobin
C4O & C4D	Commissioner Weithorn

ADDENDUM MATERIAL 1:

C4Q C4R R7BB R7DD
R9V R9W R9X R9Y

ADDENDUM MATERIAL 2:

C7AA R9AA

ADDENDUM MATERIAL 3:

C7BB

SUPPLEMENTAL MATERIAL 1:

R7C Memorandum & Resolution

R7CC (moved from R9F) Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2:

R5K Ordinance

The City Commission will recess for lunch at approximately 12:00 p.m.

ADDENDUM AGENDA

9:03:16 a.m.

ACTION: Motion made by Commissioner Wolfson to add items C4Q, C4R, C7AA, C7BB, R7BB, R7DD, R9V, R9W, R9X, R9Y, R9AA, including the letter from the City Manager, to the Commission Agenda; seconded by Commissioner Tobin; Voice-vote: 7-0.

Commissioner Wolfson requested adding to the Addendum Agenda the letter received from the City Manager regarding an issue concerning his benefits. Motion made by Commissioner Wolfson to include the letter received by the City Manager regarding his 457 account; seconded by Commissioner Malakoff; Voice vote 7-0.

Presentations and Awards

Presentations and Awards will take place at the July 30, 2014 Commission Meeting.

CONSENT AGENDA

9:06:40 a.m.

ACTION: Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco to approve the Consent Agenda, excluding the separated items; Voice-vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2014-237-JR For Plans Review, Inspections And Permit Clerk Services.
(Building/Procurement)

ACTION: Request approved. **Mariano Fernandez and Alex Denis to handle.**

- C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Auditing Services To Examine The City's Basic Financial Statements Included In The City's Comprehensive Annual Financial Report (CAFR), Federal Grant Programs And State Projects (OMB A-133 Single Audit), And The Financial Statements Of The Miami Beach Redevelopment Agency (RDA), The Parking Systems Fund (PSF), The Miami Beach Visitor And Convention Authority (VCA), The Miami Beach Convention Center, The Jackie Gleason Theater Of The Performing Arts, The Building Better Communities Bond Program (BBC), The Children Trust Grant Program (CT), And The Safe Neighborhood Parks And Bond Program (SNP).
(Finance/Procurement)

ACTION: Request approved. **Patricia Walker and Alex Denis to handle.**

- C2C Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) No. 2014-015-LR For Psychological Services For Employees.
(Fire/Human Resources/Police/Procurement)

ACTION: Request approved. **Fire Chief Fernandez, Sylvia Crespo-Tabak, Police Chief Oates and Alex Denis to handle.**

- C2D Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Claims Administration Services By A Third Party Administrator For Workers' Compensation And General Liability.
(Human Resources/Procurement)

ACTION: Request approved. **Sylvia Crespo-Tabak and Alex Denis to handle.**

- C2E Request For Approval To Reject All Bids Received Pursuant To Invitation To Bid (ITB) No. 2013-069 For The Citywide Maintenance Of Elevators (Revised Recommendation).
(Public Works/Procurement)

ACTION: Request approved. **Eric Carpenter and Alex Denis to handle.**

Handout or Reference Materials:

1. Letter from McRae Law Offices, P.A., from Steven Goerke dated July 18, 2014, RE: Formal Protest – Notice of City Manager's intention to recommend rejection of all bids under Invitation to Bid No. 2013-069-MF for the Citywide Maintenance of Elevators.
2. Letter to Eastern Elevators, Inc. dated July 22, 2014 RE: City's Response to Protest Letters by Eastern Elevators, Inc., dated July 18, 2014 pursuant to ITB 2013-069-MF for Citywide Maintenance of Elevators.

- C2F Request For Approval To Issue Request For Proposals (RFP) No. 2014-290-YG For The Design, Manufacturing And Installation Of A Removable/Retractable Canopy At The North Beach Band Shell.
(Tourism, Culture & Economic Development/Procurement)

ACTION: Request approved. **Max Sklar and Alex Denis to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Establish Demolition Procedures For All Properties In The City.
(Sponsored by Land Use & Development Committee)
(Legislative Tracking: Planning)

ACTION: Item referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4B Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Modify The Requirements For Short Term Rentals In The RM-1 Areas Of The Collins Waterfront Historic District.
(Sponsored by Vice-Mayor Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Item referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4C Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Modify The Conditional Use Approval Requirements For Certain Uses In RM-1 Areas Of The Collins Waterfront Historic District.
(Sponsored by Vice-Mayor Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Item referred. **Thomas Mooney to place on the board agenda and to handle.**

3:56:30 p.m.

- C4D Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Clarify An Inconsistency Regarding Lot Aggregation Requirements And Building Heights In The RPS Districts.
(Sponsored by the City Manager)
(Legislative Tracking: Planning)

ACTION: Item separated for discussion by Commissioners Malakoff and Weithorn. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn to refer the item to the September 3, 2014 Land Use and Development Committee, and then to the September 23, 2014 Planning Board meeting; Voice vote: 7-0. **Thomas Mooney to place on the board and committee agendas and to handle.**

Commissioner Malakoff stated that the item was separated by herself and Commissioner Weithorn. She pulled the item to refer to the September 3, 2014 Land Use and Development Committee, and then to go to the September 23, 2014 Planning Board for clarification of the RPS height limitations and regarding lot aggregation. In the original Ordinance, it specifically referenced RPS 4, but in subsequent interpretations, the Planning Department seemed to refer to the 1, 2, 3 and 4, not just 4, so this needs to be reviewed.

Commissioner Weithorn stated that this item is a policy discussion and should be discussed at Committee before it goes to Planning.

Handout or Reference Materials:

1. Email from Bonnie Stewart dated July 22, 2014 RE: Items C4D and C4L.

- C4E Referral To Finance And Citywide Projects Committee - Discussion On Indexing The Living Wage Rate For Fiscal Year 2014-2015 In Accordance With The Options Pursuant To Ordinance 2010-3682.

(Procurement)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Alex Denis to handle.**

- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion And Select Of One Of Two Options For The Replacement Of The Existing, Inoperable Water Feature At The Washington Avenue Entry Of South Pointe Park.

(Capital Improvement Projects Office)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **David Martinez to handle.**

Handouts or Reference Materials:

1. Email from sofna@sofnat.net dated July 21, 2014 RE: SOFNA SPP Water Feature.pdf attachment and referral to committee.

- C4G Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Removing The "Arthur Godfrey Road" Co-Name For 41st Street.

(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **City Attorney's Office and Eric Carpenter to handle.**

- C4H Referral To The Planning Board And The Land Use And Development Committee - Consider The Following Amendments To The Recently Adopted Single Family Home Ordinance: 1. The Clarification Of The Definitions Of "Interior Side Yard Open Space" And "Internal Courtyards," For Lot Coverage Purposes; 2. Modify The 70% Second Floor Rule As It Pertains To Interior Height Volume; 3. Add A Requirement For DRB Review Of New Homes On All Lots Created By A Lot Split. 4. Amend The Regulations Regarding Roof Decks To Only Allow On Homes With Direct Access To The Open Bay And On Single Story Homes. 5. Extend The Year Of Required DRB Review For The Demolition Of Architecturally Significant Homes From 1942 To 1966.

(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. **Thomas Mooney to place on the board and committee agendas and to handle.**

- C4I Referral To Finance And Citywide Projects Committee - Parking Demand Analysis/Walker Parking Consultants.

(Parking)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

- C4J Referral To The Neighborhood/Community Affairs Committee - Discuss Artist And Non-Profit Vendor Ordinances.

(Planning)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Thomas Mooney to handle.**

- C4K Referral To The Land Use And Development Committee - Discussion On Proposed Amendments To The City Code Pertaining To Alcoholic Beverage Establishments (Chapter 6); Requirements For Determining The Size And Square Footage Of "Accessory Uses" In Relation To The Main Permitted Use; And The Clarification Of Threshold Standards For Neighborhood Impact Establishments.

(Sponsored By Land Use & Development Committee)

(Legislative Tracking: Planning)

ACTION: Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

3:57:39 p.m.

- C4L Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Remove The Existing "Sunset" Provision For Parking District No. 5 (Sunset Harbor) And To Clarify The Conditional Use Requirements In The CD-2 District.

(Sponsored By Land Use & Development Committee)

(Legislative Tracking: Planning)

ACTION: Item separated by Commissioner Malakoff. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn to refer the item to the Land Use and Development Committee (LUDC), and then to the Planning Board. Voice vote: 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

REFERRAL:

Land Use and Development Committee to discuss the sunset provision on parking in the Sunset Harbor area first, then to the Planning Board.

Commissioner Malakoff suggested referring the item back to LUDC, regarding the sunset provision on parking in the Sunset Harbor area. She added that there was a misunderstanding at the LUDC meeting during discussion. It was discussed that once the sunset provision was removed, new buildings coming into the area would have to provide their own parking, but since this is part of an overlay district, they do not, and the question is should this perhaps continue with the sunset provision for another two to five years? She believes the LUDC should discuss this one more time.

- C4M Referral To Neighborhood/Community Affairs Committee - Regarding The Creation Of An Ordinance Requiring Automated External Defibrillators (AED) In Public Places.
(Requested by Commissioner Deede Weithorn)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Fire Chief Virgil Fernandez to handle.**

- C4N Referral To The Land Use And Development Committee And The Planning Board - Amendment To The Development Regulations In The MXE Zoning District As They Apply To Non-Hotel Uses.
(Requested by Vice-Mayor Michael Grieco)

ACTION: Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

3:58:58 p.m.

- C4O Referral To The Finance And Citywide Projects Committee - Discussion Regarding Exploring Issues Brought Up In An Internal Audit Of The Miami Beach Police Athletic League (PAL), Specifically Regarding Utility Fees That Are Past Due.
(Requested by Vice-Mayor Michael Grieco)

ACTION: Item referred. Item separated for discussion by Commissioner Weithorn. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice Vote: 7-0. **Patricia Walker to place on the September committee agenda and to handle.**

Commissioner Weithorn stated that she wanted to broaden this, if they are going to look at the internal audit they should look at all issues, and not limit to only the past due utility fees. There are several issues that the internal audit has brought up, and Commissioner Weithorn believes that if they are going to look at the audit, they should do it in its entirety and not piece by piece.

Vice-Mayor Grieco agreed to the amendment. Vice-Mayor Grieco stated that he saw the draft of the audit report, he has not seen the final report, but he believes the final audit report will be ready by the Finance and Citywide Projects Committee's regular meeting in September.

City Manager Jimmy L. Morales stated that PAL has an opportunity to provide responses to some of the issues raised by the auditor; there is also request for some management responses, so the City is working through that.

Commissioner Weithorn stated that it must be the September 2014 FCWPC meeting.

- C4P Referral To The Neighborhood/Community Affairs Committee - Adding Pride/Rainbow Colors To The Street Signs From 10th-12th Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee.
(Requested by Commissioner Micky Steinberg)

ACTION: Item referred. **Vania Pedraja to place on the committee agenda. Eric Carpenter to handle.**

ADDENDUM MATERIAL 1:

C4Q Referral To The Finance And Citywide Projects Committee - Discuss Congestion Parking Rates.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item referred. **Patricia Walker to place on the committee agenda. Saul Frances to handle.**

ADDENDUM MATERIAL 1:

C4R Referral To Land Use And Development Committee - Discuss Approval Of A Vehicular Bridge Over 44th Street (Between Collins Avenue And Indian Creek Drive) Connecting The Fontainebleau Hotel With A Proposed Parking Garage.
(Requested by Commissioner Deede Weithorn)

ACTION: Item referred. **Thomas Mooney to place on the committee agenda. David Martinez and Saul Frances to handle.**

C6 - Commission Committee Reports

C6A Report Of The Land Use And Development Committee Meeting On June 12, 2014: **1)** St. Patrick's School ROW Parking And Traffic Analysis. **2)** Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District. **3)** Discussion On Telecommunications Ordinance. **4)** HPB's Recommendation To Establish Formal Demolition Procedures Within The LDR's. **5)** Discussion On Two Proposed Code Amendments Dealing With Uses In The RM-1 District: **a.** Proposed Modification To Conditional Use Requirements; And **b.** Proposed Modification To Requirements And Regulations Governing Short Term Rentals. **6)** Discussion On An Overlay District For Washington Avenue And North Beach. **7)** Sea Level Rise And Building Heights.

ACTION:

Item 1: St. Patrick's School ROW Parking And Traffic Analysis.

MOTION: MG/JM (2-0)

Continued the discussion to July 9, 2014.

City Clerk's Note: See Item R7N Setting a Public Hearing.

Item 2: Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures.

MOTION: MG/JM (2-0)

Accept the withdrawal request.

Item 3: Discussion On Telecommunications Ordinance.

MOTION: MG/JM (2-0)

Continued the item to July 9, 2014.

Item 4: HPB's Recommendation To Establish Formal Demolition Procedures Within The LDR's.**MOTION: MG/JM (2-0)**

Recommend that the City Commission refer an Ordinance to the Planning Board, in accordance with the Administration recommendation, including a definition for "Phased Building Permit," as well as the inclusion of specimen trees, as applicable.

City Clerk's Note: See Item C4A – Refer to Planning Board to Establish Demolition Procedures.

Item 5: Two Proposed Code Amendments Dealing With Uses In The RM-1 District.**a. PROPOSED MODIFICATION TO CONDITIONAL USE REQUIREMENTS.****MOTION: MG/JM (2-0)**

Recommend that the City Commission refer an Ordinance to the Planning Board, in accordance with the Administration recommendation.

City Clerk's Note: See Item C4C – Refer to Planning Board Modify Conditional Use Approval.

b. PROPOSED MODIFICATION TO REQUIREMENTS AND REGULATIONS GOVERNING SHORT TERM RENTALS.**MOTION: MG/JM (2-0)**

Recommend that the City Commission refer an Ordinance to the Planning Board, in accordance with the Administration recommendation.

City Clerk's Note: See Item C4B – Refer to Planning Board Modify Requirements, Short Term Rentals.

Item 6: Overlay District For Washington Avenue And North Beach.**MOTION: MG/JM (2-0)**

Continued to the July 9, 2014 Land Use Meeting.

Item 7: Sea Level Rise And Building Heights.**MOTION: MG/JM (2-0)**

No formal action. The matter is to be re-visited at a future date.

C6B Report Of The Land Use And Development Meeting On July 9, 2014: **1)** Parking District No. 5 – Sunset Harbour. **2)** St. Patrick's School ROW Parking And Traffic Analysis. **3)** Discussion On The Proposed Terminal Island Residential Project. **4)** Discussion On Telecommunications Ordinance. **5)** Discussion On An Overlay District For Washington Avenue And North Beach. **6)** Discussion Regarding Creation Of The Faena Overlay District. **7)** Rezoning Of The City-Owned Land At 226 87th Terrace From GU To RM-2. **8)** An Ordinance Related To Changes To Setbacks For Internal Driveways, Use Standards For Certain Hotels In The MR-2 Zone, Setbacks For Certain Buildings Within 250 Feet Of North Shore Open Space Park, The Standards For Garages Providing Public Parking Within 250 Feet Of North Shore Open Space Park. **9)** Discussion Regarding The Proposal For The Partial Traffic Closure And Master Planning Of Ocean Drive. **10)** Discussion: Recommendation For A Referral To A Future Land Use And Development Committee Meeting.

ACTION:

Item 1: Parking District No. 5 – Sunset Harbour.

MOTION: DW/MG (3-0)

Refer an Ordinance to the Planning Board, as recommended by the Administration, with the removal of the sunset provision.

City Clerk's Note: See Item C4L – refer to Planning Board – Sunset Provision Parking District No. 5.

Item 2: St. Patrick's School ROW Parking And Traffic Analysis.

MOTION: JW/MG (4-0)

1. Direct the Administration to continue to work with the County to permit both the pedestrian and vehicular closing of Meridian Avenue between Barry Street and 39th Street.
2. Refer an item to the Full City Commission for either the July 23, 2014 or July 30, 2014 meeting, so that the Commission can formally endorse the proposal to close Meridian Avenue to both vehicles and pedestrians.

City Clerk's Note: See Item R7N Re: Setting Public Hearing - Permanent Closure Of Street.

Item 3: Discussion On The Proposed Terminal Island Residential Project.

MOTION: MG / DW (3-0)

Endorsed the proposed Term Sheet and recommended the following:

1. The City's Outside Counsel should be subsidized by the developer;
2. The timeframe for completing the Development Agreement should be expedited, if feasible;
3. Additional public notice for future hearings, beyond that mandated by State or City law, shall be provided;
4. Recommended a referral to the Planning Board for all required Code and Comprehensive Plan amendments.

City Clerk's Note: See Item R9U - Update On Terminal Island & Development Project.

Item 4: Discussion On Telecommunications Ordinance.

AFTER-ACTION:

Continued to a date certain of September 3, 2014.

Item 5: Discussion On An Overlay District For Washington Avenue And North Beach.

a. WASHINGTON AVENUE

MOTION: MG/DW (3-0)

Continued to the September 3, 2014 Land Use Meeting.

b. NORTH BEACH

MOTION: MG/JM (2-0)

Continued to the September 3, 2014 Land Use Meeting. The Committee recommended a Master Plan be developed for Ocean Terrace, 71st Street and the West Lots along Collins Avenue.

Item 6: Discussion Regarding Creation Of The Faena Overlay District.

MOTION: MG / DW (3-0)

Endorsed the proposal and recommended Planning Board approval.

Item 7: Rezoning Of The City-Owned Land At 226 87th Terrace From GU To RM-2.

MOTION: DW / MG (3-0)

Endorsed the proposal and recommended the required legislation and Comprehensive Plan Amendments be referred to the Planning Board.

Item 8: An Ordinance Related To Changes To Setbacks For Internal Driveways ...The Standards For Garages Providing Public Parking Within 250 Feet Of North Shore Open Space Park.

MOTION: DW / MG (3-0)

Endorsed the proposal and recommended the required legislation be referred to the Planning Board.

Item 9: Discussion Regarding The Proposal For The Partial Traffic Closure And Master Planning Of Ocean Drive.

MOTION: MG / DW (3-0)

Endorsed the proposal and referred to the City Commission with the following recommendations:

1. To further study the expansion of the sidewalk on the east side of Ocean Drive;
2. The filing of an application for Historic Preservation Board approval;
3. The inclusion of the project in the Capital Budget for FY 2015; and
4. Any additional Ordinance Amendments that may be necessary for sidewalk café operations.

City Clerk's Note: See Item R9M -Proposal For Partial Relocation & Master Planning Of Ocean Drive.

Item 10: Discussion: Recommendation For A Referral To A Future Land Use And Development Committee Meeting.

MOTION: MG / JM (3-0)

Recommend that the City Commission refer the following to the Land Use Committee:

Discussion: Proposed amendments to the City Code pertaining to:

1. Alcoholic Beverage Establishments (Chapter 6)
2. Requirements for determining the size and square footage of "Accessory Uses" in relation to the main permitted use.
3. The clarification of threshold standards for Neighborhood Impact Establishments.

City Clerk's Note: See Item C4K Ref: LUDC - Amend Alcoholic Beverage Establishments (Chapter 6).

C6C Report Of The Neighborhood/Community Affair Committee Meeting On May 30, 2014: **1)** Discussion Regarding The Renaming Of The Scott Rakow Youth Center Ice Skating Rink In Memory Of Barbara Medina. **2)** Discussion Regarding A Maintenance Plan Along The 41st Street Business Corridor And Possibly Appointing A Dedicated Liaison To The Corridor (Like Lincoln Road). **3)** Discussion Regarding The Commercial Use Of Residential Properties. **4)** Discussion Regarding The Implementation Of A Memorial Plaque Program). **5)** Discussion Regarding Residential Parking Zone 12 Waverly And Grand Flamingo Pilot Program. **6)** Discussion Regarding Policies For Use Of Beachfront Parking Lots. **7)** Presentation Regarding Workforce Housing By The Pinnacle Group. **8)** An Evaluation Of The Calendar Of Events Of The City And The Impact On Quality Of Life. **9)** Discussion Regarding The Hertz 24/7 Car Sharing Agreement. **10)** Discussion Regarding Special Events Programming At The North Beach Bandshell As It Relates To Noise. **11)** Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies. **12)** Discussion Regarding Water Taxis Proposal. **13)** Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City. **14)** Discussion Regarding Adaptive And Inclusive Playground On Miami Beach. **15)** Discussion Regarding The Continuation Of The Adopt-A-Beach Pilot Program And Allocations Of \$25,000 From 2013 Waste Hauler's Franchise Agreement.

ACTION:

Item 1: Discussion Re: Renaming The Scott Rakow Youth Center Ice Skating Rink In Memory Of Barbara Medina.

MOTION: by Commissioner Malakoff to approve the renaming of the Scott Rakow Youth Center and move it to Commission with positive recommendation. Seconded by Commissioner Steinberg.

City Clerk's Note: See Item R7B Rename Skating Rink after Barbara Medina.

Item 2: Discussion Regarding A Maintenance Plan Along The 41st Street Business Corridor And Possibly Appointing A Dedicated Liaison To The Corridor (Like Lincoln Road).

DIRECTION: Commissioner Steinberg- Ask Eric Carpenter if they could come back in three month to give a report, with information on how it is being maintained, and how often. To bring back a comprehensive report.

Commissioner Tobin- Stated that the individual chosen to be the liaison for the 41st Street corridor should be someone creative that would take initiative in maintaining the area.

NO ACTION TAKEN

Item 3: Discussion Regarding The Commercial Use Of Residential Properties.

MOTION: by Commissioner Tobin to bring it back to NCAC in 60 days with Administration's changes to the Ordinance to better enforces the ongoing issue of party houses, without destroying those who legitimately through charitable events. Seconded by Commissioner Malakoff.

Item 4: Discussion Regarding The Implementation Of A Memorial Plaque Program).

DIRECTION: Commissioner Steinberg- Stated that this item should come back later with options for the memorial plaque program.

NO ACTION TO BE TAKEN

Item 5: Discussion Regarding Residential Parking Zone 12 Waverly And Grand Flamingo Pilot Program.

MOTION: by Commissioner Malakoff- Stated that at the next renewal, residents should be informed that the permit will only be valid for the next six months, and from there on they will have to make arrangements with their landlord.

NO SECOND MOTION DIES.

MOTION: by Commissioner Malakoff to remove the waiting list and continue it with the people that currently have a permit until they move away. Seconded by Commissioner Tobin.

Item 6: Discussion Regarding Policies For Use Of Beachfront Parking Lots.

MOTION: by Commissioner Malakoff to move the two prong, which would include relocating the existing permit holders under a phasing program and then increasing the rates for non-residents approach to the July Commission meeting with positive recommendation.

Commissioner Tobin- Agreed with Mr. Kendall stated that Mr. Kendall has a good point, the further away the parking the better. If the City decides to rebuild 42 street maybe there is something further away towards I-95 instead. Seconded by Commissioner Tobin.

Item 7: Presentation Regarding Workforce Housing By The Pinnacle Group.

MOTION: by Commissioner Malakoff to come back to the Committee with concrete suggestions in September. Seconded by Commissioner Tobin.

Item 8: An Evaluation Of The Calendar Of Events Of The City And The Impact On Quality Of Life.

NO ACTION TAKEN.

Item 9: Discussion Regarding The Hertz 24/7 Car Sharing Agreement.

MOTION: by Commissioner Tobin to bring a competitive solicitation and send it to the July Commission Meeting. Seconded by Commissioner Malakoff.

City Clerk's Note: See Item R7O Accept Recommendation, Issue ITN For Car Sharing Services.

Item 10: Discussion Regarding Special Events Programming At The North Beach Bandshell As It Relates To Noise.

NO ACTION TAKEN.

Item 11: Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.

DEFERRED to next meeting.

Item 12: Discussion Regarding Water Taxis Proposal.

MOTION: by Commissioner Malakoff to conduct a survey using the material Administration already has on hand to find out whether or not employees that commute to work from other cities would use water transportation as an alternative mode of transportation. Seconded by Commissioner Tobin.

Item 13: Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City.

Deferred to the June meeting by Commissioner Tobin.

Item 14: Discussion Regarding Adaptive And Inclusive Playground On Miami Beach.

MOTION: by Commissioner Malakoff to move this item with positive recommendation to Commission. Seconded by Commissioner Steinberg.

DIRECTION: by Commissioner Tobin to place this item on the next Commission agenda.

City Clerk's Note: See Item C7I Establish Beach & Playground w/ Accessible Elements At Allison Park.

Item 15: Discussion Regarding The Continuation Of The Adopt-A-Beach Pilot Program And Allocations Of \$25,000 From 2013 Waste Hauler's Franchise Agreement.

MOTION: by Commissioner Malakoff to move the item to Commission with positive recommendation. Seconded by Commissioner Steinberg.

C6D Report Of The Neighborhood/Community Affair Committee Meeting On June 27 2014: **1)** Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City. **2)** Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies. **3)** Discussion Regarding The Possibility Of The Parks And Recreation Department Partnering With Miami-Dade County Schools To Operate An After School Program Out Of The City's Local School Sites. **4)** Discussion Regarding Altos Del Mar Master Plan. **5)** Discussion Regarding Rebuilding Of The Sunset 1 And 2 Guard Houses.

ACTION:

Item 1: Discussion Re: Bicycle Parking Locations/Adding Attractive Bike Racks

NO ACTION TAKEN.

Item 2: Discussion Re: Bicyclist Safety Campaign With MBPD, Deco Bikes & Local Bicycle Rental Companies.

NO ACTION TAKEN

Item 3: Discussion Re: Possibility of Parks And Recreation Dept. Partnering With MDC Schools - After School Program Out Of The City's Local School Sites.

NO ACTION TAKEN

4) Discussion Regarding Altos Del Mar Master Plan. **5)** Discussion Regarding Rebuilding Of The Sunset 1 And 2 Guard Houses.

MOTION: by Commissioner Weithorn to move to Commission with positive recommendation and to change the name officially to Beachview instead of Altos de Mar. Seconded by Commissioner Steinberg.

City Clerk's Note: See Item R7L Adopt Master Plan, Altos Del Mar Park, 7701 Collins Avenue.

C6E Report Of The Special Finance And Citywide Projects Committee Meeting On June 20, 2014: **1)** Discussion Regarding Bicycle Safety Campaign With The Miami Beach Police Department, Deco Bike And Local Bicycle Rental Companies. **2)** Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden. **3)** Discussion Regarding Parking - Strategic Pricing. **4)** Discussion On Upgrading The City's Enterprise Resource Planning (ERP) System. **5)** Discussion On A Resolution Approving The Purchase Of Flood Insurance, All-Risk Property Insurance, Including Windstorm, Boiler & Machinery Insurance For City Buildings And Contents (Including New Construction); And Fine Arts Insurance (Bass Museum), As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record. **6)** Discussion On Whether Or Not To Reconstitute The Nightlife Industry Taskforce. **7)** Discussion On Use Of The Byron Carlyle Theater.

ACTION:

Item 1: Discussion Re: Bicycle Safety Campaign With MBPD, Deco Bike & Local Bicycle Rental Companies.

ACTION:

The Committee recommended that staff work with FDOT to organize events and practical workshops that focus on providing bike safety information. The Committee also directed Staff to bring the cost breakdown to July budget meeting for the funds that will be needed to implement these programs.

Item 2: Discussion Re: Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden.

ACTION

The Committee recommended pursuing food and beverage concessions through the pop up concept or food trucks for Soundscape Park, Collins Park and the Miami Beach Botanical Garden.

Item 3: Discussion Re: Parking - Strategic Pricing.

Item Deferred to July Budget Meeting.

Item 4: Discussion On Upgrading The City's Enterprise Resource Planning (ERP) System.

ACTION

The Committee recommended moving forward with endorsing the transition from Eden ERP to Munis ERP, implementing EnerGov for permitting and licensing and engaging EMA to assist the City with a review of its business processes, as well as provide implementation services (project management) throughout the project implementation to be brought before the July 23,2014 Commission Meeting.

Item 5: Discussion On A Resolution Approving The Purchase Of Flood Insurance.

ACTION

The Committee recommended that based on the State's recommendation to increase named windstorm coverage and the increasing value of our properties, the City should increase its current named windstorm coverage to \$15 million for the upcoming year and going forward, look into reaching the target coverage of \$25 million over the next 2 to 3 years.

Item 6: Discussion On Whether Or Not To Reconstitute The Nightlife Industry Taskforce.

The Committee provided administration direction to do a series of open forum workshops to engage those individuals that are interested in providing real input and discussion of the nightlife industry taskforce. The Committee decided to allow the Nightlife Industry taskforce to sunset without action.

Item 7: Discussion On Use Of The Byron Carlyle Theater.

The Committee recommended that staff bring back options for the use of the space at the Byron Carlyle Theater to Budget Meetings.

- C6F Report From The Flooding Mitigation Committee Meeting On June 18, 2014: **1)** Update From Mayor's Blue Ribbon Panel On Flooding And Sea Rise. **2)** Flood Mitigation Project Status Update. **3)** Sea Wall Designs. **4)** Establish Name For \$300 Mil. Miami Beach Flood Mitigation Program For Project Signs.

ACTION:**Item 1:** Update From Mayor's Blue Ribbon Panel On Flooding And Sea Rise.

ACTION: It was requested that staff explain the potential for installation of grates and the maintenance program more fully at the July 9, 2014 meeting of the Flooding Mitigation Committee.

Item 2: Flood Mitigation Project Status Update.

ACTION: To direct staff to prepare a GIS Map with dates, placement and updated conditions of the placement of valves throughout the City.

Item 3: Sea Wall Designs.

ACTION: To send to the Mayor's Blue Ribbon Panel the Sea Wall recommendations outlined in the June 18, 2014 Projects Update and to come back to the Flooding Mitigation Committee with a Panel recommendation.

Item 4: Establish Name For \$300 Mil. Miami Beach Flood Mitigation Program For Project Signs.

ACTION: Commissioner Wolfson asked that suggestions be discussed at the July 9, 2014 meeting.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To Miami-Dade County For FY 2014/15 Edward Byrne Memorial Justice Assistance Grant Program Funds, In The Approximate Amount Of \$10,000, For The City's Records Improvement Program; 2) Submit A Grant Application To Florida Department Of Transportation (FDOT), High Visibility Enforcement For Pedestrian And Bicycle Safety Grant Program For The City's High Visibility Enforcement Program, In The Approximate Amount Of \$200,000; 3) Submit A Grant Application To The US Department Of Homeland Security, Federal Emergency Management Agency For FY 2014 Homeland Security National Training Program - Continuing Training Grant Program Funding, In The Approximate Amount Of \$1.3 Million, For A Disaster Preparedness And Community Resilience Training Program; And Further Approving, Retroactively, The Following: 4) Submittal Of A Grant Application To Lowe's Keep America Beautiful Community Improvement Grant Program For Funding For Community Gardens, In The Amount Of \$20,000; 5) Submittal Of A Grant Application To The US Department Of Transportation, Public Transit Service Development Program, For FY 2015-2016, In The Approximate Amount Of \$812,000, For Funding Of The North Beach Trolley Route Project; And 6) Submittal Of A Grant Application By Florida International University (FIU), With The City Of Miami Beach As Co-Sponsor And Participant, And FIU As Applicant, To The Florida Sea Grant Advisory Council, Florida Sea Grant College Program, For Funds In The Approximate Amount Of \$200,000, For The City's Sea Level Rise Awareness Program; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant/Funding Agreements And Audits.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28646 adopted. Patricia Walker to appropriate funds if received and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 8 To The Professional Services Agreement With Atkins North America, Inc., Dated May 9, 2011, For Extended Construction Administration And Resident Project Representative Services, For The South Pointe Park Pier Project, In The Not To Exceed Amount Of \$45,989, With Previously Appropriated Funding From Fund 388, MDC CDT Interlocal-CDT/Resort Tax.

(Capital Improvement Projects)

ACTION: Resolution 2014-28647 adopted. David Martinez to handle.

- C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals No. 2014-206-SR (The RFP), For Design/Build Services For The London House Rehabilitation & Restoration Project; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Team Contracting, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Housing & Community Services/Capital Improvement Projects/Procurement)

ACTION: Resolution 2014-28648 adopted. Maria Ruiz, David Martinez and Alex Denis to handle.

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Sole Proposal Received, Pursuant To Request For Proposals No. 2014-143-LR (The RFP), For A Web Based Training System; Authorizing The Administration To Enter Into Negotiations With The Sole Proposer, Municipal Emergency Services, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Fire/Procurement)

ACTION: Resolution 2014-28649 adopted. Fire Chief Fernandez and Alex Denis to handle.

- C7E A Resolution Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Renew The Maintenance Agreement With Governmentjobs.com, Inc., D/B/A NeoGov, For The On-Line Services Software, For A Term Of One (1) Year, In The Amount Of \$15,000, For The First Renewal Year; And Also Authorizing The City Manager To Approve Subsequent One Year Renewals, As He Determines Necessary And In The Best Interest Of The City.

(Human Resources)

ACTION: Resolution 2014-28650 adopted. Sylvia Crespo-Tabak to handle.

- C7F A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee For The City Administration To Research Technological Enhancements Regarding Towing Software And In-Vehicle Cameras And To Provide An Update At The September 2014 Finance And Citywide Projects Committee Meeting.

(Parking)

ACTION: Resolution 2014-28651 adopted. Saul Frances to handle.

- C7G A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee (NCAC) And Authorizing The City Administration To Immediately Discontinue The Waverly And Grand Flamingo Residents' Participation In The Residential Parking Zone 12/Upper West Avenue Pilot Program ("Zone 12 Pilot Program") Through Attrition And To Discontinue The Related Waiting List.

(Parking)

ACTION: Resolution 2014-28652 adopted. Saul Frances to handle.

- C7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee (NCAC) At Its May 30, 2014 Meeting And Authorizing The City Administration To Increase Parking Availability At Municipal Parking Lot No. P71 By Discontinuing Monthly Parking Permits Sales; Transition Existing Permit Holders To Alternate Municipal Parking Facilities, In A Phased Approach; And, If Necessary To Reduce Demand After A Six Month Period, To Increase Parking Fees.

(Parking)

ACTION: Resolution 2014-28653 adopted. Saul Frances to handle.

2:45:13 p.m.

- C7I A Resolution Approving And Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its March 28, 2014 Meeting To Establish A Beach With Accessible Elements At The Beach Adjacent To Allison Park And Further Approving And Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its May 30, 2014 Meeting To Include An Adaptive And Inclusive Playground At Allison Park Located At 6500 Collins Avenue.

(Parks & Recreation)

ACTION: Item moved to the Regular Agenda as Item R7FF. C7I separated by Commissioner Tobin. See action with R7FF.

- C7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its June 27, 2014 Meeting And Authorizing The Administration To Operate An On-Site After School Teen Program At Nautilus Middle School During The 2014/2015 School Year.

(Parks & Recreation)

ACTION: Resolution 2014-28654 adopted. John Rebar to handle.

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Contract Between Miami-Dade County And The City, For A Term Of Twenty Years, Providing For The City's Sewage Treatment And Disposal Services By Miami-Dade County.

(Public Works)

ACTION: Resolution 2014-28655 adopted. Eric Carpenter to handle.

- C7L A Resolution Authorizing The Manager To Approve The Phase III Work Order, In The Not To Exceed Amount Of \$50,000, For The Normandy Shores Fountain Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.
(Public Works/Procurement)

ACTION: Resolution 2014-28656 adopted. Eric Carpenter and Alex Denis to handle.

- C7M A Resolution Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The City Manager To Execute A Maintenance Service Agreement With Pro Sound & Video, For A Three (3) Year Term, In An Amount Not To Exceed \$134,450, To Maintain The Sound System At Soundscape Park.
(Public Works)

ACTION: Resolution 2014-28657 adopted. Eric Carpenter to handle.

- C7N A Resolution Approving And Authorizing An Additional Increase In The Escrow Account, In The Amount Of \$500,000, Established Pursuant To The Joint Participation Agreement Between The City And The Florida Department Of Transportation (FDOT), Dated October 2, 2012, For Utility Work By The FDOT Highway Contractor, For The Construction Of Water, Sewer And Stormwater Drainage Improvements Within The Project Area, As Part Of The State Road 907/Alton Road Project, From 5th Street To Michigan Avenue.
(Public Works)

ACTION: Resolution 2014-28658 adopted. Eric Carpenter to handle.

- C7O A Resolution Accepting The Recommendation Of The City Manager To Reject All Bids Received, Pursuant To Invitation To Bid (ITB) No. 2014-171-SR, For The Normandy Shores North Gate Replacement Project.
(Public Works/Procurement)

ACTION: Resolution 2014-28659 adopted. Eric Carpenter and Alex Denis to handle.

- C7P A Resolution Approving And Authorizing The City Manager To Execute Amendment No. 1 To The Agreement Between The City And Nova Engineering And Environmental, LLC (Nova), Dated April 14, 2014 (Nova Amendment), And Amendment No. 1 To The Agreement Between The City And VFA, Inc. (VFA), Dated April 18, 2014 (VFA Amendment), For The Purpose Of Conducting And Documenting A Detailed Facilities Condition Assessment Of Various Buildings/Assets Owned By The City, And Developing A Schedule For Assets And Equipment Replacement Within The Building/Assets, Including Current And Projected Future Replacement Costs; With The Nova Amendment Adding The Following Locations: Pennsylvania Parking Garage And Jackie Gleason Theatre Of Performing Arts, And Deleting The Lifeguard Stands; And The VFA Amendment Adding The Following Locations: 1755 Building, City Hall Parking Garage, Flamingo Pool Facility Building, Flamingo Park Field House, And Flamingo Park Baseball Stadium; And Further Authorizing The City Manager To Execute Any Future Amendments To The Nova And VFA Agreements.

(Public Works/Procurement)

ACTION: Resolution 2014-28660 adopted. Eric Carpenter and Alex Denis to handle.

- C7Q A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2014-182-LR, For Event Planning And Marketing Services For The City's Centennial Celebration; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Act Productions, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Logistic Management Group; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Engine Shop LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.

(Tourism, Culture & Economic Development/Procurement)

ACTION: Resolution 2014-28661 adopted. Max Sklar to handle.

- C7R A Resolution Retroactively Approving And Authorizing The Acceptance Of An Additional \$5,500.00 In Sponsorships Made To The City For The City's July 4, 2014 Event, And Further Authorizing The City Manager, Or His Designee, To Make Any Necessary Reimbursements And/Or Expenditures From The Aforestated Amount In Furtherance Of And Consistent With The City's July 4, 2014 Event.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28662 adopted. Max Sklar to handle.

- C7S A Resolution Authorizing The Acceptance Of One Hundred And Fifty Thousand Dollars (\$150,000) In Sponsorships From Citibank, N.A. (CITI) In Support Of The Soundscape Cinema Series For Fiscal Year 2014/15 Upon Execution Of A Sponsorship Agreement With The City; And Further Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Sponsorship Amount In Furtherance Of And Consistent With The Soundscape Cinema Series For Fiscal Year 2014/2015.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28663 adopted. Max Sklar to handle.

3:59:57 p.m.

- C7T A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received, Pursuant To Invitation To Negotiate (ITN) No. 2014-130-ME For Online City Merchandise Store (The ITN).
(Tourism, Culture & Economic Development/Procurement)

ACTION: Item moved to item R7EE. See action in R7EE.

- C7U A Resolution Approving The Permanent Closure To Vehicular Traffic Of The 400 Block Of Española Way, Between Washington Avenue And Drexel Avenue.
(Transportation)

ACTION: Resolution 2014-28664 adopted. Jose Gonzalez to handle.

9:22:27 a.m.

- C7V A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its April 30, 2014 Meeting And Directing The Administration To Conduct A Survey Of City Employees Regarding The Potential Use Of Water Taxi Services For Commuting Purposes.
(Transportation)

ACTION: Item separated for discussion by Mayor Levine. **Resolution 2014-28665 adopted as amended.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Wolfson; Voice vote; 7-0. ITN to be placed on the July 30, 2014 Commission Agenda. **Jose Gonzalez and Alex Denis to handle.**

RECOMMENDATIONS:

Survey not be conducted.

Administration to send an Invitation to Negotiate for water taxi services.

ITN to be placed on the July 30, 2014 Presentation & Awards Agenda for approval before it is sent out.

Mayor Levine stated after reading the item, he interpreted that the City will conduct a survey of City employees and how they will use water taxis. The number one issue in Miami Beach is forms of transportation, and the City does not have the luxury to be doing surveys, especially if it requires funding from the City. He never envisioned that a water taxi service would be for City employees, the water taxis are usually for residents and tourists. Many water taxi companies

have offered their services at no cost to the City. A survey at this time does not make sense, and it is not proper to debate when the City is surrounded by water. He feels this City Commission should move forward and direct staff to figure out a water taxi that works on Sunset Harbor and try it at no cost.

Vice-Mayor Grieco made a motion to accept the recommendation, and direct Administration to move forward with a bid process.

There was consensus that the survey is unnecessary.

Discussion held regarding locations.

Commissioner Weithorn suggested putting the bid out and notifying people where possible locations can be, but she does not want the City to limit itself.

Jimmy L. Morales, City Manager, explained that he would do an Invitation to Negotiate to the market and come up with proposals.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, explained that typically they need to bring back the ITN to the Commission for approval before is sent out.

Mayor Levine requested that the ITN be placed at the July 30, 2014 Commission Meeting. **Alex Denis to handle.**

C7W A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2014-116-SR (The RFQ), For Traffic Engineering Consulting Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Florida Transportation Engineering, Inc., As The Primary Consultant And The Second-Highest Ranked Proposer, Atkins North America, Inc., As The Secondary Consultant; And Further Authorizing The City Manager To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Transportation/Procurement)

ACTION: Resolution 2014-28666 adopted. Jose Gonzalez and Alex Denis to handle.

- C7X A Resolution Authorizing The Administration To Negotiate A Contract With Advanced Transportation Engineering Consultant, Inc., For The Purpose Of Implementing A Traffic Monitoring And Management Program, For An Amount Not To Exceed \$200,000; And Waiving, By 5/7th Vote, The City's Formal Competitive Bidding Requirements; Finding Such Waiver To Be In The Best Interest Of The City; And Further Authorizing The Mayor And City Clerk To Execute The Contract Upon Successful Negotiations By The Administration.
(Transportation/Procurement)

ACTION: Resolution 2014-28667 adopted. Jose Gonzalez and Alex Denis to handle.

- C7Y A Resolution Authorizing Payment To Nextel South Corp., For Replacement Equipment, In The Amount Of \$46,452, Pursuant To The Federal Communications Commission Mandated Rebanding Project, And As Agreed To In The Frequency Reconfiguration Agreement Executed By The City.
(Information Technology)

ACTION: Resolution 2014-28668 adopted. Ariel Sosa to handle.

- C7Z A Resolution Approving And Authorizing The Administration To Negotiate An Agreement, Providing For The City's Participation In The Rails-To-Trails Conservancy's Trail Modeling And Assessment Platform Study, Said Agreement Being Subject To Approval By The City Attorney; And Further Authorizing The City Manager To Execute The Agreement Upon Successful Negotiations By The Administration.
(Transportation)

ACTION: Item withdrawn.

ADDENDUM MATERIAL 2:

- C7AA Request For Waiver Of Conflict By Holland & Knight LLP.
(City Attorney's Office)

ACTION: Request authorized. **City Attorney's Office to handle.**

ADDENDUM MATERIAL 3:

- C7BB A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute A Memorandum Of Agreement Between The City Of Miami Fire Rescue, As The Sponsoring Agency And The City Of Miami Beach, By And On Behalf Of Its Fire Department, Rescue Division, As Participating Agency, For The Florida Task Force II Of The National Urban Search And Rescue Response System.
(Fire Department)

ACTION: Resolution 2014-28669 adopted. Fire Chief Fernandez to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances**11:01:29 a.m.**

R5A An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-67, Entitled "Prohibited Activities" To Prohibit Motorized Devices Defined As A Vehicle In Section 316.003, Fla. Stat., And Motorized Means Of Transportation On Any Street Or Road Closed To Motor Vehicles By The Police Department For Events During High Impact Periods; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists, Skaters, And Persons Operating Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-71, Entitled "Enforcement; Penalties," To Amend And Provide Additional Penalties For Violations Of Sections 70-69(d)-(e) And 70-70, And Amending The Time To Appeal Violations; Providing For Repealer, Severability, Codification, And An Effective Date.

10:05 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Jonah Wolfson)
(Legislative Tracking: City Attorney's Office/Transportation)
(First Reading on June 11, 2014 - R5N)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3883 adopted.** Item referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Wolfson; seconded by Vice-Mayor Grieco to adopt the Ordinance on second reading, refer to NCAC for further amendments and bring back in October. Ballot vote: 7-0. Lilia Cardillo to place on the October 22, 2014 Commission Agenda if received. **Vania Pedraja to place on the committee agenda. City Attorney's Office and Jose Gonzalez to handle.**

REFERRAL

Neighborhood/Community Affairs Committee

Raul J. Aguila, City Attorney, that this item could be opened and continued, if there is consensus to refer to the Neighborhood/Community Affairs Committee for further discussion.

Discussion held.

Commissioner Weithorn stated that there are some additional items that could be consider to further strengthen the Ordinance, but doing so at this time would require that this Ordinance go back to first reading. She suggested passing it today, as is, and sending it back to Committee for amendments.

Discussion continued and there was consensus to proceed with the second reading.

Raul J. Aguila, City Attorney, announced that the City Attorney's Office is in receipt of Mr. Henry Stolar's comments, and they are providing a response. His recommendation is to adopt the Ordinance today, recognizing that amendments need to continue to be made.

Public hearing was opened by Commissioner Weithorn.

Henry Stolar stated that the problem is that this Ordinance it is going to increase the fragmentation of this entire effort. He explained that this Ordinance, if adopted today, would be the fifth time this portion of the City Code is discussed in 21 months, and it will also be discussed on Friday at the Neighborhood/Community Affairs Committee meeting. It is unprecedented to have legislation so fragmented and so divided that no one knows what the law is. The company that codifies Ordinances is running five months behind. They need enforceable and effective legislation as this involves the safety, life and health of people. He encouraged consolidating these items, and suggested that the entire package be referred to the Neighborhood/Community Affairs Committee (NCAC), consolidate with Item 2 of the NCAC agenda, and bring back to Commission in October.

Commissioner Wolfson asked Mr. Stolar what is specifically the problem with the Ordinance.

Henry Stolar stated it is not enforceable and it is not effective. He distributed copies of what he opines needs to be done.

Raul J. Aguila, City Attorney, stated that he is not disagreeing with Mr. Stolar, but he agrees with Commissioner Wolfson that the item is before the Commission for second reading and should be acted upon. He respectfully disagreed with Mr. Stolar that it is not enforceable as written, and recommended that the Ordinance be adopted today and further discussed at NCAC.

Commissioner Weithorn stated that this City Commission has led on both the Polystyrene and Segway issues locally, and sometimes when you lead it takes a while to get it right, and she will happily continue to modify what they do, so that they lead and not sit back and wait for others. The legislation needs some work, but this Ordinance contains important provisions that protect the public, and she is not willing to wait to have these protections in place.

Motion was made by Commissioner Wolfson; seconded by Vice-Mayor Grieco to adopt the Ordinance on second reading, refer to NCAC for further amendments, and bring back in October 22, 2014.

Discussion continued.

Deborah Turner, First Assistant City Attorney, stated that, for the record, the Transportation Department Director, the Police Assistant Chief and Fire Chief are present to give a brief verbal report.

Assistant Chief of Police John Buhrmaster explained that staff researched some of the injuries that have occurred from these types of vehicles. He attended multiple roll calls speaking to officers, and they are aware of multiple injuries caused by Segways, trikes and motorized skateboards. On Memorial Day, Captain Doce and he witnessed three people that were struck by trikes that did not want to file reports.

Fire Chief Fernandez explained that his staff has responded to incidents of injuries caused by Segways, and the Fire Department fully supports the Ordinance.

Discussion continued.

Commissioner Tobin asked Chief Buhrmaster what happens when several people are travelling on Segways on the sidewalk on Ocean Drive.

Chief Buhrmaster explained that part of this Ordinance specifies the location where the vehicles are allowed or not. They inform the individuals as to what the regulations are going to be, and as part of the Ordinance the store owners need to inform drivers where they can and cannot traverse and what the age limits are.

Discussion continued.

Commissioner Tobin requested that for the Police Department to review the Ordinance to see if anything else is needed to enforce it (including setting training hours, age limits and specific locations where vehicles can be driven). **Assistant Police Chief Buhrmaster to handle.**

Voice vote: 7-0.

Commissioner Wolfson wants to make sure that the Ordinance comes back for further revisions. The City Commission was in consensus that the item return on October 22, 2014.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 901, published July 10, 2014.
2. Letter from Henry Stolar with recommendations/amendments to the Ordinance.
3. Document submitted by Henry Stolar dated July 20, 2014, RE: Motorized Vehicles, Summary of Recommended Amendments.

11:18:21 a.m.

R5B An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend The Definition Of Litter In Subsection (a) By Substituting The Word "Polystyrene" For The Word "Styrofoam" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Into Any Park Within The City; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General," By Creating Section 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Prohibit The Sale, Use, And Offering Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees In City Facilities And On City Property; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cafes," By Amending Subdivision II, Entitled "Permit," By Amending Section 82-385 Thereof, Entitled "Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes," To Provide Prohibitions Regarding Expanded Polystyrene Food Service Articles On The Right-Of-Way; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: City Attorney's Office)

(First Reading on June 11, 2014 - R5Q)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3884 adopted.** Motion made by Vice-Mayor Grieco to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **City Attorney's Office and Hernan Cardeno to handle.**

Elizabeth Wheaton, Environmental Resources Manager, showed a [presentation](#), encouraging the importance of limiting pollutants from entering the environment. (Click on link above to access the presentation.)

The following individuals spoke in opposition to the proposed Ordinance:

Allan Levit

Mike Martinez

Mike Levy

The following individuals spoke in favor of the proposed Ordinance:

Michael De Filippi

Rachel Silverstein

Scott Stripling, Chair, Surfrider Foundation

Raul J. Aguila, City Attorney, stated that his office and this Commission are well aware of issues that were preempted by the State. Contrary to Mr. Levi's argument, he opines that the matters addressed by this proposed Ordinance is not preempted by the State and the City has a reasonable policy interest in not only regulating its facilities, which is what we are doing with this Ordinance, but imposing reasonable regulations upon vendors doing business within the City's facilities. We believe that this public interest distinguishes the argument that Mr. Levy is making

with regard to the pre-emption. We also looked at the letter that was submitted by the American Chemical Council, and one thing Mr. Aguila wants to point out is that the State's findings, in his opinion, talk about containers that are carried from retail areas. The Office of the City Attorney does not believe that it is applicable to the City, and in particular not with regard to this Ordinance. Mr. Aguila introduced Ms. Debbie Turner to make additional remarks.

Deborah Turner, First Assistant City Attorney, explained that the State Statutory provisions do not address the issues that this Commission is addressing in the Ordinance; thereby it is not pre-empted. The Ordinance deals with the expanded polystyrene food service articles; the State Statute concerns are retail bags and pursuant to State Statute the Department of Environmental Protections (DEP) is tasked with the job of coming up with an analysis of what to do, since the State has not taken a uniform position on it. The DEP term that they use for what the Statute relates to are retail bags (plastic versus paper). The DEP does not deal with any other type of food service container either; it is not intended nor interpreted by DEP to relate to anything except retail bags. The subject of DEP's review was to find out options for, and suggest options to the State Legislature, with regard to paper or plastic retail bags. DEP is the State agency that is directed by the Legislature and tasked with the enforcement of environmental laws in the State. Ms. Turner opined that the regulations presented in the City's proposed Ordinance are appropriate to be considered at this time.

Vice-Mayor explained the efforts made by several people, including Michael Di Filippi; and added that if this is adopted, Miami Beach will be the first municipality in Florida to adopt such legislation. He is proud to be part of it.

Commissioner Weithorn stated that the City has had a ban on polystyrene on beaches for a number of years, so Miami Beach was the first, and she is very happy that Vice-Mayor Grieco was able to propose increased the regulations. The difference of not having polystyrene on the beaches in the past few years is huge, and the fact that the Commission is being shown photographs of parks and not our beaches, goes to prove that Miami Beach has begun to do the right thing. This is a path in the right direction.

Commissioner Malakoff requested to look in the future at other uses of polystyrene, other than food services, and perhaps expand the Ordinance to include related products. **City Attorney's Office to handle.**

Commissioner Wolfson recognized Vice-Mayor Grieco for his efforts in bringing this Ordinance to fruition. He suggested adopting a resolution in the future to encourage business owners not to sell these products. **Clerk's Note: See July 30, 2014 Commission Agenda item C7I.**

Vice-Mayor added that during the Fourth of July he realized that most of the polystyrene coolers used on the beach were purchased in the City; these storeowners were not aware of the ban. This is something that the Sustainability Committee has been addressing. He informed the Commission that the Miami Beach Chamber of Commerce has voluntarily decided to no longer use polystyrene as well.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 901, published July 10, 2014.
2. Speakers' List
3. Copy of letter from the Florida Department of Environmental Protection dated February 1, 2010 to The Honorable Charlie Crist, Governor of Florida, from Michael W. Sole, Secretary.

4. Florida Department of Environmental Protection Senate Environmental Preservation and Conservation Committee PowerPoint dated February 16, 2010, by Mary Jean Yon, Director, DEP, Division of Waste Management.
5. The Retail Bags Report webpage <http://dep.state.fl.us/waste/retailbags/default.htm>
6. Brochure kit from the American Chemistry Council, RE: Proposed Polystyrene Foam Food Service Ban – R5B on July 23 meeting agenda, dated July 18, 2014 addressed to The Honorable Michael Grieco.
7. PowerPoint presentation by Betsy Wheaton titled Expanded Polystyrene and Miami Beach.

11:45:09 a.m.

R5C An Ordinance Amending Chapter 82 Of The City Code, Entitled “Public Property,” By Amending Article I, Entitled “In General,” By Repealing Section 82-5, Entitled “City Signs To Be Obeyed”; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)
(Legislative Tracking: City Attorney’s Office)
(First Reading on June 11, 2014 - R5R)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3885 adopted.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed Commissioner Malakoff. **City Attorney’s Office to handle.**

Commissioner Malakoff stated that all signs that do not need to be obeyed within the City should be removed.

Commissioner Wolfson explained that this is not what this Ordinance is doing. The Ordinance is repealing a law that allows staff to legislate by putting up any kind of signs.

Discussion held.

Commissioner Steinberg proposed a minor change stating, “provided that the sign or policy therein was approved by the City Commission,” instead of repealing the law.

Discussion continued as to the reasoning behind the Ordinance that is being proposed to be repealed.

Ray Breslin spoke.

Commissioner Steinberg clarified that the proposed Ordinance is not saying that the public should not obey signs. It is just that signs that are not supported by legislation are being repealed.

Commissioner Wolfson emphasized that this proposed Ordinance only pertains to signs that are not based in law.

Handouts or Reference Materials:

1. The Miami Herald Neighbor’s Section Ad No. 901, published July 10, 2014.

11:54:40 a.m.

R5D An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," By Amending Section 90-340, Entitled "Recycling Program And Separation Of Recyclable Materials From Solid Waste Stream Required For Multifamily Residences Of Nine (9) Dwelling Units Or More; Owner/Association Liability; Recycling Contractors' Assistance," To Apply Recycling Requirements To Multifamily Residences Of Two (2) To Eight (8) Dwelling Units As Of November 1, 2014; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: Environmental)

(First Reading on June 11, 2014 - R5P)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3886 adopted.** Motion made by Vice-Mayor Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-1; Opposed: Commissioner Tobin. **Elizabeth Wheaton to handle.**

Elizabeth Wheaton, Environmental Resources Manager, explained that this Ordinance amendment would close the loop and require all multi-family units with two units or more, to have a recycling program for residents. In answering Commissioner Malakoff's question, she stated that the public would be invited to a workshop at the end of August. The City will be sending informational flyers and will have an extensive education outreach campaign to make sure the message gets out to these buildings.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 901, published July 10, 2014.

11:57:03 a.m.

R5E Concurrency Exemptions

An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Add Temporary Uses In The Public Rights Of Way As An Additional Exemption From Concurrency Requirements, Providing A Procedure To Determine Eligibility For Such Exemption; Providing For Repealer; Codification; Severability And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Edward L. Tobin)

(Legislative Tracking: Planning)

(First Reading on June 11, 2014 - R5J)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3887 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, stated that this item extends the concurrency exemption to the areas of North Beach, and it includes the amended language on first reading. The Administration recommends adoption on second reading.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 901, published July 10, 2014.

11:58:30 a.m.

R5F Board Member Removal Criteria

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings And Procedures;" Division 3, "Design Review Board," Section 118-74, "Removal;" Division 4, "Historic Preservation Board," Section 118-105, "Removal;" Division 5, "Board Of Adjustment," Section 118-133, "Removal," By Modifying And Expanding The Removal Criteria Of The Planning Board, Design Review Board, Historic Preservation Board, And Board Of Adjustment, Providing For Repealer; Codification; Severability And An Effective Date.

10:30 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on June 11, 2014 - R5K)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3888 adopted.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, stated that this Ordinance modifies the number of absences that a land use board member can have by reducing it from four to three per calendar year.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 901, published July 10, 2014.

11:59:56 a.m.

R5G Time Frame Limitations For Deferrals, Continuances, And Withdrawals

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-352, "Procedure;" Article IV, "Conditional Use Procedure," Section 118-193, "Applications For Conditional Uses;" Amending The Procedures For The Board Of Adjustment And For The Planning Board By Placing Timeframe Limitations On Applications For Purposes Of Deferrals, Continuances, Withdrawals And Submittal Of Applications And Exhibits; Providing For Repealer; Codification; Severability And An Effective Date. **10:35 a.m.**

Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on June 11, 2014 - R5L)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3889 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

No discussion held.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 901, published July 10, 2014.

5:02:12 p.m.

R5H RM-3 Accessory Uses

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, "Permitted Accessory Uses," Amending Criteria For Accessory Uses In Apartment Buildings; Providing For Repealer; Codification; Severability And An Effective Date. **5:01 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Ordinance adopted on first reading. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 10, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the City Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Tobin to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 7-0.

Thomas Mooney, Planning Department Director, explained that this is an Ordinance amendment that slightly modifies the permitted accessory uses for apartment buildings in RM-3 Districts. Currently accessory uses in apartment buildings in the RM-3 Districts are only permitted on the ground floor, the subterranean level or the highest floor of the building. There are a number of buildings in this District that were originally zoned either CD-3 or built as a hotel that were converted to apartments that had office space at the second floor. These spaces have become legal nonconforming, and when inactive for more than six months they lose that nonconforming status. This Ordinance would permit office uses as an accessory use in RM-3 provided the space was originally constructed as an office. The LUDC has endorsed this Ordinance and they are recommending approval on first reading.

Commissioner Weithorn stated that they had complaints in the past when trying to change zoning to office and she wants to make sure that in doing this they will not have other complaints again.

Thomas Mooney, Planning Department Director, explained that the last Ordinance that pertained to office and apartments was in RM-2, which is low scale residential District, and many residents in the West Avenue area had a concern with that because those were smaller, more low scale buildings. In this instance, in the RM-3 District, these buildings are much larger and because these uses are well within lobbies and within the confines of the buildings, they do not expect to have potential negative impacts on the surrounding areas.

Discussion held.

Commissioner Malakoff does not know that offices are going to bring any huge amount of traffic to the buildings, and it is only in the buildings where offices were originally planned as an intended use with the original plans. They used to have rental offices to rent the units and she cannot imagine what types of offices are going to be moved or opened to the second floor that will create a problem to these larger buildings.

Discussion continued.

Commissioner Weithorn asked if people have asked for this.

Thomas Mooney, Planning Director, explained that the Mirador 1200 building had offices constructed on the second floor, and during a major renovation a lot of the offices uses were inactive for more than six months and lost their legal nonconforming status, and when trying to get the new CO it was flagged as a problem.

Ballot vote taken.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 905, published July 10, 2014.

9:49:27 a.m.

R5I Building Heights

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Including Definitions For Minimum Finished Floor And City Of Miami Beach Freeboard, And By Amending The Definition Of Height Of Building; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored By Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 10, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Tobin; Voice vote 7-0.

Thomas Mooney, Planning Director, explained that the item was referred to the Land Use and Development Committee, (LUDC), and endorsed by the LUDC and the Flooding Mitigation Committee. This Ordinance changes the measurement of building height from the current at-grade to three different scenarios, depending upon where the base flood elevation is. Currently the maximum building height in single-family homes is measured from base flood elevation; this Ordinance would extend the same concept to multi-family commercial buildings. When the minimum finished floor elevation is located between grade and base flood elevation, plus City of Miami Beach freeboard, the height would be measured from the minimum finished floor elevation, namely for commercial and nonresidential uses close to the sidewalk. When the enclosed space is located at below grade, the building height would be measured from grade, mainly for commercial spaces; and when the minimum finished floor elevation is located above the base flood elevation plus freeboard, the height would be measured from base flood elevation plus City of Miami Beach freeboard, mainly in multi-family residential structures.

Commissioner Malakoff urged the adoption of this Ordinance; the sea level is rising and this is a very good way to protect the buildings within the City.

9:52:52 a.m.

R5J Applicability Clause To Ordinance 2014-3835 Single Family Development Regulations An Ordinance Amending The Land Development Regulations Of The City Code, Florida, By Amending Ordinance 2014-3835, Which Revised The Development Regulations For Single Family Homes In The RS-1, RS-2, RS-3 And RS-4 Zoning Districts, Which Amended Sections 142-105 And 142-106 Of The City Code, By Amending The Ordinance's Applicability Section 3, "Exceptions," To Provide For Additional Exceptions For Persons Who Had Applied For Land Use Board Approval Or Permits Prior To Adoption Of The Ordinance, Providing For Repealer; Severability; And An Effective Date. **First Reading**
(Sponsored by City Commission)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance failed on first reading.** Motion made by Vice-Mayor Grieco to approve the Ordinance as amended by the Administration; seconded by Commissioner Tobin; Ballot vote: 2-4; Opposed: Mayor Levine and Commissioners Malakoff, Steinberg and Weithorn. Absent: Commissioner Wolfson. Motion failed.

Thomas Mooney, Planning Department Director, gave background information on the origins of the legislation. The applicability section adopted by the Commission on February 12, 2014 at second reading, exempted homes that had made an application to a Land Use Board prior to the Planning Board recommendation of the Ordinance on September 24, 2013, or those applications that have obtained a building permit processed number before September 24, 2013. After the Planning Board transmitted the Ordinance to the Commission on September 24, there were a few single family homeowners who designed homes, and those homes were impacted by the second reading adoption of the Ordinance. There was a request made to create an additional applicability for those homes that were impacted by the second reading Ordinance, and they have drafted proposed applicability language, which was endorsed by the Planning Board, and research has identified four potential homes that could possibly utilize this new applicability section. One of them exceeds the unit size by approximately 2%. Another exceeds lot coverage by approximately 5% and two others are still waiting to return their plans from the first round of comments, but the change would be nominal. Based upon the recommendation of the Planning Board, the Administration is recommending approval of this proposed Ordinance on first reading.

Discussion held regarding deadline for submittal and eligibility.

Commissioner Tobin stated that the City Commission decided to change the Land Use Code and referred for action in September 2013, so from that date to February 2014, anybody that wants to take advantage of the old Code would have had to submit plans.

Mr. Mooney explained that plans would have been submitted prior to September 24, 2013.

Discussion continued.

Mr. Mooney explained that under the proposed new applicability section, if someone made an application to a Land Use Board prior to February 12, 2014, or obtained a building number before that date, they could travel under the Planning Board version of the Ordinance that was transmitted on September 24, 2013 and the changes adopted the by the Commission on February 12 would not be applicable to those.

Discussion continued as to how many people are affected by this. Mr. Mooney clarified that there are two affected property owners for sure. He added that if the Commission moves forward with approving this at first reading, they want to add a sentence that says on number four and number five "and provided the degree of non-conformity does not increase subsequent to Land Use Board approval or subsequent to the issuance of the building permit process number."

Commissioner Malakoff stated that when the applicability date was recommended at the Land Use Board, she felt it was fair. She is not in favor of this Ordinance.

Commissioner Weithorn explained that the old Commission discussed this for many months, and she is going to vote with Commissioner Malakoff today and vote against it, because they drew a line in the sand and the minute they move the line they are going to keep moving it. At some point, they have to say enough is enough.

Discussion continued.

Commissioner Tobin would vote to allow the four, especially the first two at 2 and 5%. When the Commission originally heard the item, they changed much of it on the fly, so anybody doing planning between September and February did not know what the rules were.

Commissioner Malakoff stated that this was done very carefully at several public meetings and Land Use Board meetings. Furthermore, when the Planning Board voted September 24 it became zoning in progress, which makes every architect, developer and homeowner know that there could be changes.

Gary Held, First Assistant City Attorney, explained that when the Planning Board makes a favorable recommendation to the City Commission, property owners are allowed to rely on that and if they obtain a land use approval they are protected from further changes.

Discussion continued.

Mr. Held stated that this is first reading. The people who are affected and the architect involved in this are not here to make a presentation. They could come on second reading to explain the circumstances relevant to these particular individuals. On pages three and four of the Commission memo there are seven changes made from the Planning Board recommendation and City Commission adoption that affect these homes. He believes it is worth for this Commission to hear the circumstances.

Discussion held.

Vice-Mayor is not in favor of the item, but wants to hear from the homeowners on second reading and how this actually affects them.

Commissioner Malakoff is willing to listen, but thinks that it was done with a great deal of input and homes are being built that are not compatible with the neighborhood.

Commissioners Steinberg and Weithorn stated that they will vote against it.

Motion made by Vice-Mayor Grieco to move the item as amended by the Administration; seconded by Commissioner Tobin; Ballot vote: 2-4; Opposed: Mayor Levine and Commissioners Malakoff, Steinberg and Weithorn; Absent: Commissioner Wolfson.

1:29:00 p.m.

SUPPLEMENTAL MATERIAL 2 - Ordinance

R5K Tree Preservation And Protection Ordinance

An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article II, "Care And Maintenance Of Trees And Plants," By Amending Division 2, "Trees"; To Amend The Definitions, Purpose And Intent; Scope, Applicability And Exemptions; Permitting Application Requirements, Notice And Procedures For Obtaining Permits; Imposing Criteria And Conditions For Tree Removal And Relocation; Tree Replacement; Tree Preservation And Protection Requirements; Defining And Protecting Heritage And Specimen Trees; Establishing A Miami Beach Tree Preservation Trust Fund; Regulating Tree Services And Arborists; Defining Trees Constituting A Public Nuisance; Providing For Appeals; Enforcement And Civil Remedies; Prohibited Species; Duties And Authority Of The Urban Forester; And Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**

(Sponsored by the Neighborhood/Community Affairs Committee)

(Legislative Tracking: Public Works)

(Deferred from June 11, 2014 - R5O)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 10, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Neighborhood/Affairs Committee's recommendation; seconded by Vice-Mayor Grieco; Voice vote 7-0.

Mark Williams, City Urban Forester/Parks and Recreation Department, explained the Ordinance. The original Ordinance was passed in 2009; however, the County did not approve it because it was not stringent enough. The main reason for passing this Ordinance is to obtain an exemption. Currently when trees are removed, there is no guarantee of a replacement, since this is the jurisdiction of the County. Most of the new language limits Miami-Dade County existing Code, in order for Miami Beach to obtain an exemption.

Discussion held.

Commissioner Malakoff expressed her interest in the Miami Beach Tree Preservation Fund, and wants to make sure that the City spends these funds with appropriate programs as deemed properly by the Commission. She would like to see that type of program as part of this.

1:34:14 p.m.

R5L An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Department Of Emergency Management; And Providing For Repealer Severability; Codification And An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Human Resources)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with R7K. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 10, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, stated that last year he brought onboard a full-time Emergency Management Coordinator, working out of the City Manager's Office, and since that time he has worked with PSCU, Homeland Security Issues, Telecom issues involving the Police and Fire Departments, and he is working out of the EOC, therefore, if this is approved, the Manager will request that Charles Tear be appoint him as Director of the newly created Department.

Discussion held.

Charles Tear, Emergency Management Coordinator, stated that he enjoys his service here and recognized what the City has done with public safety, centralizing with the new Police and Fire chiefs, and he looks forward to building the best robust program around.

1:37:28 p.m.

R5M An Ordinance Amending Chapter 110 Of The Miami Beach City Code, Entitled "Utilities;" Amending Article III Thereof, Entitled "Stormwater Utility;" Amending Section 110-109 Thereof Entitled "Stormwater Utility Fees," By Amending Appendix A Thereto Entitled "Fee Schedule," To Increase The Stormwater Utility Service Charge Imposed By The City As Of October 1, 2014; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

(Sponsored by the Finance & Citywide Projects Committee)
(Legislative Tracking: Finance)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed: Vice-Mayor Grieco. Second reading and Public Hearing scheduled for September 10, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Patricia Walker to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff to accept the Finance and Citywide Projects Committee's recommendation; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Vice-Mayor Grieco.

Eric Carpenter, Public Works Director, stated that this is the item they have been discussing in both the Flooding Mitigation Committee and the Mayor's Blue Ribbon Committee on Flooding. The item should be able to move forward with the design of the improved storm water design

criteria to be implementing the pump station Citywide, to be able to hold back the increased tidal events, as well as the higher level of storm water invasion that they have been seeing on a regular basis in the City. It is a relatively large dollar amount, but they believe this is the appropriate method for moving forward.

Commissioner Weithorn knows the project costs about \$300 million. There is about a \$70 million in this first traunch, hoping they do not have to pay all of the \$300. She asked how long it would take to program that first \$100 million because she is not a fan of government collecting money and sitting on it. She was told that appropriations would be done in a year to a year and a half.

Eric Carpenter, Public Works Director, clarified that what he spoke about was that they actually have all this hundred million dollars under contract within 18 months and then would complete 95% of it within 30 months.

Discussion held.

Jimmy L. Morales, City Manager, added that they have been doing a lot of work this year on West and Sunset Harbor. Those funds have been borrowed from other projects that they need to put the money back into, as well as the City's line of credit, which also needs to be paid back, because that line of credit is for the soft cost of the Convention Center project. They are moving a great deal of money around, and this \$100 million will allow them to restore that money for the projects. On the traunch issue, as they look at the three traunches, the hope is that traunch 2 may not even be necessary. Based on the funding issued forward, they are hoping at least \$70 million and maybe if they address some cost issues, they may not even have to do a second traunch. By the time they get to a third traunch, perhaps with the help of the Federal Government and State and County they can identify funding sources to tap. The first traunch is critical in order to get started.

Patricia Walker, Chief Financial Officer, stated that they have awarded over \$30 million dollars' worth of projects against the line of credit for commitment ability. They do need the \$100 million to take care of those and meet the beginning of the program that Public Works is putting into place. She would like to put on the record, that they would like to create a storm water program out of all the projects proposed, and appropriate the moneys after they sell the bonds, but when they sell the bonds, it would be her preference that they hold it in a program and appropriate as they award contracts. That prevents money being stuck in projects that for some reason or other do not move forward when other projects need the money. She has worked a great deal on the cash flow and they are going to look for other ways to fund some of these projects, but based on the timing and monies and perhaps lifting up the restrictions of the money in South Pointe, coupled with the timing that inevitably occurs with these projects, they may have to do only two issues and the second maybe larger than the \$100 million.

Mayor Levine believes no one in the City Commission wants to raise storm water rates, but it is a quality of life issue. He thinks the rising tide is not waiting and is happening now. They need to work together aggressively to put this program in place and is time to fund it.

Commissioner Weithorn asked that the amount of the increase be read on the record.

Ms. Walker stated that the current rate for single residential unit is \$9.06 and it will increase to \$16.77 per unit; an increase of \$7.61, which is an 8% increase, or about \$80 per year for a single family home.

Discussion held.

Commissioner Wolfson stated that this is a situation where they have a specific problem that they are trying to address, and the Mayor has been very forward thinking in aggressively trying to address, and he thinks this is money well spent, even more so than rehabbing water lines and fixing streets and roadways, all of these things are irrelevant if the City is underwater. This is 100% necessary.

Commissioner Steinberg concurred, but made a suggestion. When talking about condominiums in Miami Beach that have a maintenance fee to pay, she does not want to see condominiums raising their rates more than \$8 a month. She does not want this to be an excuse. She wants to make sure that all people living in condominiums understand that this is \$8 increase per month. If the condominium association raises fees more than that, that is on them, not the City.

Commissioner Tobin is concerned about somebody going over the costs associated with spending this money. He urged the department that deals with this to really look at the contracts and understand the cost involved.

Jimmy L. Morales, City Manager, will be working with the City's Condominium Ombudsman and they will reach out to condominium associations to make sure that they know that anything more than the increase that the City passes on is not the City's fault. Secondly, he wants to give the City Commission a sense of comfort, and remind them that in the most recent Citizen Survey they interviewed over 1,800 residents and nearly 1,000 businesses, and in each case, 87% of them said they were willing to pay more taxes to deal with the water level rise and that seems to be a strong message.

Discussion continued.

Ms. Walker is sure when they talk with the rating agencies about doing this bond, that they will acknowledge how forward the City has been, the leadership and the Commission's leadership with the Blue Ribbon Committees and Flooding Mitigation Committee in taking the first step to resolve a larger problem.

1:48:31 p.m.

R5N An Ordinance Amending Chapter 2 Of The City Code, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 3, Entitled "Contract Procedures," By Repealing Section 2-372, Entitled "Procedure To Provide Preference To Miami Beach-Based Vendors In Contracts For Goods And Contractual Services"; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by the Finance & Citywide Projects Committee)

(Legislative Tracking: Procurement)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 10, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Finance and Citywide Projects Committee's recommendation; seconded by Vice-Mayor Grieco; Voice vote 7-0.

Alex Denis, Procurement Director, stated that in the coming months, they are going to see a series of recommendations to improve the City's Procurement process and this is the first in that series. This item is a recommendation to repeal the City's local preference Ordinance, which awards preference only to those businesses within City limits, as opposed to Miami-Dade County that has a much broader local preference Ordinance. Given the size and composition of the City's industry base, the current Ordinance does not significantly affect the City's industry base by a noteworthy increase of vendors; however, it does act as a deterrent for competition on many procurement processes. In the last few years, the local preference primarily applied to construction projects. None of the entities to which preferences apply maintained a significant business presence within the City. They have been working to increase the competition on our procurement projects, especially the construction projects, and are working with Industry Trade Group, which is a group of Associated Buildings and Contractors (ABC). ABC has recommended that the City repeal this local preference because it adversely affects competition. Many of the members of ABC have expressed some concerns about bidding where there is a local preference. The recommendation today is to repeal the local preference in its current form.

No further discussion held.

R7 - Resolutions

12:01:14 p.m.

R7A A Resolution Amending Resolution No. 2013-28120 Granting A Waiver Of Certain Development Regulations Regarding The Maximum Building Height Pursuant To Section 142-425(d) Of The City's Zoning Ordinance, For The Collins Park Place Project, Located Within The Museum Historic District And Collins Park Neighborhood, To Allow An Additional Fourteen (14) Feet In Building Height. **10:45 a.m. Public Hearing**

(Capital Improvement Projects)

ACTION: Public Hearing held. **Resolution 2014-28670 adopted.** Motion made by Commissioner Malakoff to approve the resolution; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item. He requested the maximum allowable building height be increased to 70 feet, in particular, for the construction of a garage.

Handout or Reference Materials:

1. Ad in The Miami Herald No. 900 published July 3, 2014
2. Ad in The Miami Herald No. 902 published July 10, 2014
3. Copy of Mailing labels
4. Email to Rafael Granado dated July 9, 2014 RE: Letter from Maria Marion.

12:02:06 p.m.

R7B A Resolution Approving By 5/7th Vote, Following A Duly Noticed Public Hearing, The Renaming Of The Ice Skating Rink In The Interior Of The Scott Rakow Youth Center In Memory Of Barbara Medina. **10:55 a.m. Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Parks & Recreation)

ACTION: Public Hearing held. **Resolution 2014-28671 adopted.** Motion made by Commissioner Malakoff to approve the resolution; seconded by Commissioner Weithorn: Voice vote: 7-0. **John Rebar to handle.**

Elaine Unger, Miami Beach resident, stated that this resolution would honor Barbara Medina, who was the person and the driving force for the ice skating rink in the Scott Rakow Youth Center.

Handout or Reference Materials:

1. Ad in The Miami Herald No. 902 published July 10, 2014

12:03:48 p.m.

R7C A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14. **11:00 a.m. Public Hearing**

(Budget & Performance Improvement)

ACTION: Public Hearing held. **Resolution 2014-28672 adopted.** Motion made by Commissioner Weithorn to approve the resolution; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **John Woodruff to handle.**

Jimmy L. Morales, City Manager, introduced the item stating that it is in regards to realigning property maintenance budget to allow Public Works to control their own facilities and do maintenance.

Handout or Reference Materials:

1. Ad in The Miami Herald No. 902 published July 10, 2014

12:04:50 p.m.

R7D Euclid Right Of Way Project

A Resolution Following Second And Final Reading, And After A Duly Noticed Public Hearing, Approving And Authorizing The Mayor And City Clerk To Execute A Development Agreement Between The City And Jameck Development, Inc. (Jameck Or Developer) For The Design, Development, And Construction Of Certain Streetscape Improvement In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (Euclid Right Of Way Project Or The Project) Including, Without Limitation, Removal Of The Disconnect Vault And Landscape, Installation Of New Hardscape, Landscape, Street Lighting, And Closure Of A Portion Of Euclid Avenue To Vehicular Traffic As Part Of An Extension Of The Lincoln Road Pedestrian Mall; Said Project Having A Total Budgeted Cost To The City, In The Total Sum Of \$485,821, With Any Additional Funds For The Project To Be Covered By The Developer; With Such City Funds To Be Appropriated From Miami Beach Redevelopment Agency (Historic Convention Village/City Center RDA) Funds. **11:05 a.m. Second Reading Public Hearing**

(Tourism, Culture & Economic Development)

(First Reading Public Hearing on June 11, 2014 - R7D)

ACTION: Second Reading Public Hearing held. **Resolution 2014-28673 adopted.** Motion made by Commissioner Weithorn to approve the resolution; seconded by Commissioner Malakoff: Voice vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture and Economic Development Director, explained that this item was approved on first reading, public hearing on July 11, 2014; it was approved by the City Commission with the following amendments:

- That the existing commercial loading zone be moved off street and onto Lincoln Lane south; and
- That there be a prohibition or restriction of sidewalk café tables and chairs as well as other sidewalk café equipment in this new area; which is included in the Development Agreement in the Agenda package.

Mr. Sklar pointed out that the item needs to come back with an amendment to this sidewalk café Ordinance to address this at a later time. All amendments are included in the Management Agreement.

Vice-Mayor inquired if the commercial loading that would be eliminated was included. Mr. Sklar answered in the affirmative.

Handout or Reference Materials:

1. Ad in The Miami Herald No. 902 published July 10, 2014
2. Ad in The Miami Herald No. 903 published July 10, 2014

8:55:30 a.m.

R7E A Resolution Approving Following A Duly Notice Public Hearing At Second Reading, The Vacation Of That Portion Of 87th Terrace East Of Collins Avenue, Consisting Of A 50 Foot Right-Of-Way (ROW) Containing Approximately 18,042 Square Feet In Total Lot Area, As Shown On The Plat Of Altos Del Mar Subdivision No. 2, Recorded In Plat Book 4, Page 162 Of The Public Records Of Miami-Dade County, In Favor Of 8701 Collins Avenue, LLC (The "Applicant"); Subject To And Conditioned Upon Applicant's (1) Grant To The City Of A Ten Foot (10') Wide Perpetual Access Easement Across The Northern-Most Portion Of The Vacated City Row; And (2) Applicant's Payment Of A Voluntary Monetary Contribution In An Amount To Be Negotiated To The City, To Be Used By The City For Improvements To North Beach Open Space Park And Such Other Public Purposes As The City May Deem In The Best Interest Of Its Residents And Visitors. **First Reading**

(Public Works/City Attorney's Office)

ACTION: Item deferred to the September 10, 2014 City Commission meeting by acclamation. Discussion held. Lilia Cardillo to place on the September 10, 2014 Commission Agenda if received. **Eric Carpenter and City Attorney's Office to handle.**

Rafael E. Granado, City Clerk, stated that the Administration is recommending deferring the item to the September 10, 2014 Commission Meeting.

Commissioner Tobin commented that he is not sure if he is in favor of the terms, but at least they have numbers.

Mayor Levine explained that the members of the City Commission have read the letter, and in principle, he anticipates that a substantial part of the \$10.5 million be paid up front, and then have a payout encapsulated in dates agreed upon, but not tied to the development, since the City is not partnering with Terra Group. He believes that as soon as they get the \$10.5 million, they need a substantial portion of that upon signing, and over a maximum period of two years, payments would be due and payable on the remainder. The City is only transferring FAR, but is not partnering with Terra Group.

Discussion held.

Jeff Bercow, representing Terra Group, stated that they do not agree with \$10.5 million number, but they wanted a harmonious support for this project and they went the extra mile and came up with the \$10.5 million. They can work with the terms, but in terms of paying a substantial amount up front, he would have to defer to his client, as they are depending on additional finances coming through starting sales. He suggested appointing a member of the Administration to negotiate this issue with them.

Raul J. Aguila, City Attorney, stated that they could negotiate a vacation agreement.

Mayor Levine suggested deferring the item until September, and he explained that they do not want in any way to tie the potential future-parking garage across development to this agreement.

Discussion continued.

Mayor Levine requested deferring the item until September.

Commissioner Malakoff added that they want to do what is right for North Beach, and if the City Commission is in agreement, it can be voted on today.

Item deferred by acclamation.

2:11:53 p.m.

City Attorney Raul J. Aguila stated that the applicant is requesting clarification on item R7E. Mr. Aguila recapped the action taken earlier in the morning as referring this item to the Special Finance and Citywide Projects Meeting of July 30, 2014 and then deferring first reading of the resolution to September 10, 2014.

City Attorney Aguila requesting a motion on this, as the previous direction had been done through acclamation.

No motion was made. Direction remains by acclamation.

Jeff Berrow stated that his client just wanted to understand the proposed timing. If at all possible, Mr. Berrow requested that this item be heard for first reading on the Commission meeting of July 30, 2014, and second reading on September 10, 2014.

Commissioner Wolfson responded that he would not be present at the July 30, 2014 Commission meeting, and he would prefer to be present for both readings of this item. Commissioner Wolfson stated that he is supportive of the item, but wishes to be present for the discussion as this is very important. Commissioner Wolfson prefers that first reading to occur on September 10, 2014 and second reading on September 17, 2014.

Mayor Levine stated that there is no immediate rush, and it can wait for September.

Handout or Reference Materials:

1. Letter from TERRA GROUP, 2665 South Bayshore Drive, Suite 1020, Miami, FL 33133 to Mr. Jimmy L. Morales, City Manager, RE: Vacation of 87th Terrace – Item R7E, July 23, 2014.
2. Email from David Martin to Jimmy Morales dated July 23, 2014, RE: Vacation of 87th Terrace with attached letter offering voluntary payment of \$10.5 million.

2:11:35 p.m.

R7F A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2014/15, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.
(Budget & Performance Improvement)

ACTION: Resolution 2014-28674 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Rafael E. Granado to notice.** Lilia Cardillo to place on the September 10, 2014 Commission Agenda if received. **John Woodruff to handle.**

John Woodruff, Budget Director, introduced the item. This item sets the proposed millage rate for the budget process. This rate is the ceiling for the budget process. Mr. Woodruff stated that increasing it would be problematic. The proposed millage rate is a slight decrease from last year's rate of .0234 mills for a total millage rate of 6.0929 mills.

Commissioner Weithorn stated that this was recommended at the Finance & Citywide Projects Committee meeting, and any potential reduction will be an enhancement later.

Commissioner Tobin stated as property values are increasing, the Commission should consider lowering taxes.

Discussion held.

2:18:02 p.m.

R7G A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2014/15; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28675 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget Director, explained that the proposed Millage rate is lower than last year. In 2013, the Homeowners Associations voted to increase the Millage to pay for a new security gate and cameras. Now that project is budgeted for, they are going to lower the Millage rate actually lower than it was in FY 14.

1:54:23 p.m.

R7H A Resolution Setting A Public Hearing On July 30, 2014 To Adopt The Sixth Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28676 adopted. Item heard in conjunction with R7AA. See action in R7A. Motion made by Commissioner Weithorn to move R7H and withdraw R7AA; seconded by Commissioner Malakoff; Voice vote: 7-0. **Rafael E. Granado to notice.** Lilia Cardillo to place on the July 30, 2014 Commission Agenda if received. **John Woodruff to handle.**

Jimmy L. Morales, City Manager, explained that R7AA has been withdrawn as it can be done during budget meetings next year. Commissioner Weithorn added that she had requested its withdrawal and moved R7H.

Handout and Reference Materials:

1. Ad in The Miami Herald No. 916 published July 20, 2014.

11:44:21 a.m.

- R7I A Resolution Amending Part IV Of The City's Special Events Requirements And Guidelines, Entitled "City Of Miami Beach Agencies," By Amending Section J Thereof, Entitled "Public Works Department Environmental Resource Management," By Creating A Paragraph To Be Entitled "Expanded Polystyrene Food Service Articles," Prohibiting The Sale, Use, And Offering Of Expanded Polystyrene Food Service Articles By Special Event Permittees.
(Environmental/City Attorney's Office)

ACTION: Resolution 2014-28677 adopted. See action with related item R5B. Motion made by Vice-Mayor Grieco; seconded by Commissioner Weithorn; Voice vote: 7-0. **Elizabeth Wheaton and City Attorney's Office to handle.**

1:55:21 p.m.

- R7J A Resolution Adopting The 2014 Revised Amendments To The Key Intended Outcomes In The City Of Miami Beach's Strategic Plan As Set Forth Herein To Guide The Design Of Programs And Services Provided By The City.
(City Manager's Office/Organization Development Performance Initiatives)

ACTION: Resolution 2014-28678 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson; Voice vote: 7-0. **Kathie G. Brooks and Dr. Leslie Rosenfeld to handle.**

Kathie G. Brooks, Assistant City Manager, stated that earlier this year the City Commission adopted a set of Key Intended Outcomes based on the Commission Retreat in January. Subsequently there was another Commission Retreat and this resolution merely reflects those refinements.

1:37:07 p.m.

- R7K A Resolution Consenting To The Appointment Of Charles E. Tear As The Director Of The Department Of Emergency Management For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution 2014-28679 adopted. Item heard in conjunction with R5L. See action with R5L. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

No discussion held.

2:47:13 p.m.

- R7L A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its June 27, 2014 Meeting And Adopting The Conceptual Park Master Plan For The Park Space Known As Altos Del Mar Park Located At 7701 Collins Avenue.
(Parks & Recreation)

ACTION: Item heard in conjunction with R7FF (formerly C7I). See action with R7FF. **Resolution 2014-28680 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Tobin. **John Rebar to handle.**

Handouts or Reference Materials:

1. Altos Del Mar Park Master Plan PowerPoint by AECOM from the NCAC of June 27, 2014

2:18:41 p.m.

- R7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2013-178SR, For Franchise Waste Contractors To Provide Residential And Commercial Waste Collections And Disposal Services (The RFQ); Authorizing The Administration To Enter Into Negotiations For New Franchise Agreements With The Top Three (3) Ranked Proposers: Waste Management Inc. Of Florida, Progressive Waste Solutions, And Southern Waste Systems LCC; Also Authorizing The City Administration To Enter Into Negotiations With The Top Three Ranked Proposers For A New Agreement To Provide Additional Solid Waste/Recycling Services At City-Owned Properties And Other Related Public Benefits To The City Which, At A Minimum, Should Contain The Same (Or More Favorable) Business Terms Than The Existing Services Agreement; And Further Authorizing The City Manager And City Clerk To Execute The Franchise Agreements And The Additional Services Agreement Upon Conclusion Of Successful Negotiations By The Administration, With Such Agreements Having An Initial Term Of Five Years, Commencing On October 1, 2014, And Running For An Initial Term Of Five (5) Years (Commencing On October 1, 2014, And Ending On September 30, 2019).

(Public Works/Procurement)
(Deferred on June 11, 2014 - R2B)

ACTION: Resolution 2014-28681 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Eric Carpenter and Alex Denis to handle.**

Eric Carpenter, Public Works Director, explained that this item is the result of the Procurement process after putting out an RFP that came in with an opening date of February 7, 2014. There was an evaluation committee consisting of five individuals who ranked the six responsive proposers, and they have provided to the Commission a list of the rankings. At this point, they are recommending moving forward with contracts with the top three ranked proposers, based on their submittals and their proven track record in the industry.

Commissioner Weithorn recognized the City Manager for doing a good job and moved the item.

No discussion held.

Handout or Reference Materials:

1. Email from Rafael E. Andrade, Esq., dated July 14, 2014, to Jimmy Morales, RE: RFQ 178-2013SR.
2. Email from Jimmy Morales to Rafael E. Andrade, Esq., dated July 14, 2014, RE: RFQ 178-2013SR.

3. Letter to Ecological Paper Recycling dated July 10, 2014, from Jimmy L. Morales, City Manager, RE: City's Response to Protest Letters by Ecological Paper Recycling (Ecological) dated June 11, 2014.
4. Email from Rafael E. Andrade, Esq., to Jimmy Morales dated July 14, 2014 RE: RFQ 178-2013SR.
5. Letter to Sunshine Recycling Services of SWFL (SRS) dated July 10, 2014, from Jimmy L. Morales RE: City's Response to Protest Letters by Sunshine Recycling Services of SWFL (SRS).
6. Letter to G7 Holdings, Inc. d/b/a Garbageman.com dated July 10, 2014 from Jimmy L. Morales RE: City's Response to Protest Letters by G7 Holdings, Inc. d/b/a Garbageman.com (G7 Holdings) dated June 11, 2014, Pursuant to RFQ 2013-178-SR.

1:51:28 p.m.

R7N A Resolution Accepting The Recommendation Of The Land Use And Development Committee At Its July 9, 2014 Meeting, And Setting A Public Hearing In Order To Provide A Recommendation To The Miami-Dade County Public Works Department To Consider The Permanent Closure Of The Street And Sidewalks Fronting St. Patrick's Church And School, Along N. Meridian Avenue Between Barry Street And 39th Street.

(Transportation/City Attorney's Office)

ACTION: Item withdrawn. Motion made by Commissioner Wolfson; seconded by Vice-Mayor Grieco to refer item to the Finance and Citywide Projects Committee. Vania Pedraja to place on the committee agenda. **Jose Gonzalez and City Attorney's Office to handle.**

RECOMMENDATIONS:

Refer vacation of portion of North Meridian Avenue to the Finance and Citywide Projects Committee on July 30, 2014.

Hold first and second readings at the September 10, 2014 and September 17, 2014 Commission Meetings. **Rafael E. Granado to notice the item. Lilia Cardillo to place on the Commission Agendas if received.**

REFERRAL:

Refer to the July 30, 2014 Finance & Citywide Projects Committee

First Reading September 10, 2014

Second Reading September 17, 2014

Raul J. Aguila, City Attorney, explained that the item was discussed at the Land Use and Development Committee. They have been pursuing the closure of the street adjacent to the St. Patrick's campus (portion of North Meridian Avenue between Barry and 39th Streets). The School has been requesting 24/7 closure to pedestrian and vehicular traffic. Currently the street is partially closed to vehicular traffic. Initially they were doing this through the County, pursuing it as a street closure with the Miami-Dade County Public Works Department's procedures. He has been in contact with counsel from the School and with the County. The initial recommendation from the County is that they would agree to a closure of the street to vehicular traffic, but not to pedestrian access. In light of this, the School would like to withdraw this as a street closure pursuant to the County's procedures and go through the City's vacation procedure. They would like the item as presented withdrawn, and are requesting a referral of the vacation of this portion of North Meridian Avenue referred to the Finance and Citywide Projects Committee (FCWPC) on July 30, 2014, and hopefully to be taken by the City Commission on first and second reading at the meetings in September. In answering Commissioner Tobin's question, he explained that the reason for referring to FCWPC, under the City's vacation procedures under Chapter 82, the procedures requires that the Finance Committee reviews requests for vacation.

Commissioner Wolfson moved the item; seconded by Vice-Mayor Grieco.

Handout or Reference Materials:

1. Ad in The Miami Herald No. 915 published Thursday, July 17, 2014.

2:24:11 p.m.

R7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee (NCAC) At Its Meeting On May 30, 2014 And Authorizing The Issuance Of An Invitation To Negotiate (ITN) For Car Sharing Services In The City Of Miami Beach.
(Parking/Procurement)

ACTION: Resolution 2014-28682 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Saul Frances and Alex Denis to handle.**

No discussion held.

1:59:40 p.m.

R7P A Resolution Accepting (On Behalf Of One Miami Beach, Inc.) Donations From Various Donors, Totaling \$900.00; With Such Donations To Be Distributed By The City To Gloria Campos, As Reimbursement For Funds Expended In Connection With The Purchase Of 100 Tickets For Seniors To Attend The Cuba Nostalgia Event.
(Requested by Mayor Philip Levine)

ACTION: Resolution 2014-28683 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Leonor Hernandez and City Attorney's Office to handle.**

Mayor Levine explained that Gloria Campos, from the Mayor's Office, loaned \$900 to take seniors to an event and they wish to reimburse her.

2:24:47 p.m.

4:45:50 p.m.

R7Q A Resolution Accepting The Recommendation From The Flooding Mitigation Committee To Amend The 2011 Citywide Stormwater Management Master Plan For Minimum Seawall Elevation.

(Requested by Commissioner Jonah Wolfson)
(Legislative Tracking: City Attorney's Office)

ACTION: Resolution 2014-28684 adopted as amended. Eric Carpenter and City Attorney's Office to handle.

REFERRAL:

Item referred to the Budget Advisory Committee to come up with funding sources to start funding mitigation and repair of City owned seawalls. **John Woodruff to place on the agenda and Eric Carpenter to handle.**

MOTION 1:

Motion made by Commissioner Wolfson to refer the item to the Budget Advisory Committee to come up with funding sources to start funding mitigation and repair of City owned seawalls; seconded by Commissioner Weithorn. Voice vote: 7-0. **John Woodruff to place on the committee agenda.**

MOTION 2:

Commissioner Malakoff moved the resolution accepting the recommendation from the Flooding Mitigation Committee to adopt these changes to the seawall cap elevation as amended, to include minor repairs to seawalls, and not having to meet the higher elevation when minor repairs are undertaken, with the amount of what is deemed to minor defined (25% to be defined); seconded by Commissioner Wolfson; Voice-vote: 6-1; Opposed: Commissioner Tobin. **Eric Carpenter and City Attorney's Office to handle.**

MOTION 3:

Motion made by Commissioner Wolfson at \$300 per linear foot with a CPI; seconded by Commissioner Malakoff; Voice vote: 7-0. **Eric Carpenter and City Attorney's Office to handle.**

Amendments:

- As recommended by the FCWP, refer item to the Budget Advisory Committee to come up with funding sources to start funding mitigation and repair of City owned seawalls.
- Add language to differentiate between repair and replacement of seawalls.
- Defined 25% cap minimum elevation

Commissioner Wolfson stated that this is the issue they have been dealing with at the Flooding Mitigation Committee. This is something they have to do to get on the right track and make this City sustainable from a rising floodwater perspective.

Commissioner Weithorn explained that this came up at the Capital Workshop as well. There are approximately \$18 million worth of projects related to the seawall. Again, there is no funding, but one of the recommendations of the FCWP was to refer to the Budget Advisory Committee to come up with funding sources to start funding mitigation and repair of City owned seawalls. She offered the referral.

MOTION 1:

Motion made by Commissioner Wolfson to refer the item to the Budget Advisory Committee to come up with funding sources to start funding mitigation and repair of City owned seawalls; seconded by Commissioner Weithorn. Voice vote: 7-0.

Commissioner Tobin asked that if he is rehabbing a seawall to a certain degree, would that mean the property owner has to bring up the seawall to a greater height, which would mean that for many existing houses, one would not be able to see the water from the first floor anymore. He wants to make sure that they understand that if they are going to require existing homes to bring their seawalls up, they have to raise their seawalls by two feet or three feet.

Eric Carpenter, Public Works Department Director, explained that the current criterion is 3.2 feet NAVD; so they would be raising 2.5 feet from the current requirement.

Discussion held regarding notification to property owners about raising the seawall two feet higher.

Eric Carpenter, Public Works Department Director, explained that the theme of base flood elevation throughout the majority of the City is currently at 5.44 NAVD. They are talking about 5.7 NAVD versus 5.44-based flood if building a new home.

Commissioner Tobin is fine with requiring people building new homes for the seawall to be higher up, but is concerned about an existing home that is low and then the owner has to raise the seawall.

Discussion continued.

Mr. Carpenter added that this concern was addressed at the Flooding Mitigation Committee, where they discussed these homes' finished floor elevations, and the Administration's belief is that there are very few, if any, homes that are below a finished floor elevation of two. They are talking about worst-case scenario, a home that has a finished floor elevation of 2.0 NAVD; a seawall at 5.7 would still only be 3.7 above finished floor elevation; so it would still be below the sight line of most people.

Robert Fine, representing Lion Heart Capital, explained when reading the resolution, it seems very innocuous but it really is an Ordinance of major significance disguised as a resolution. By doing it through resolution, it eliminates the notice and discussion requirements, had it been an Ordinance, and not a resolution. This legislation affects every single waterfront home on Miami Beach and businesses, except for the beachfront properties. This was adopted without noticing and thinks this is premature and even improper to address as a resolution. He suggested bringing the item to a public workshop.

Commissioner Wolfson stated that it is his understanding that the seawalls only need to be raised or improved if they are doing work there, but they are not telling everyone that they have to raise their seawall today.

Mr. Carpenter stated that if this is adopted it would affect those that are doing work on their seawall or more than 50% renovation to a home.

Discussion continued.

Raul J. Aguila, City Attorney, stated that the way he understands this resolution is that this is an amendment to the City's Stormwater Management Master Plan that is being incorporated, which was originally adopted by resolution, and is being amended by a resolution. As to the seawall repair and construction permits, they are issued through Public Works and the guidelines for issuance of permits are this Master Plan.

Mr. Carpenter stated that the permits are based on this Master Plan and approval by Miami-Dade County Environmental Resources Management; as well, as if there is encroachment on State property, then obviously, they need a permit from the State.

City Attorney Raul J. Aguila added that this is being done properly today because it is an amendment of the Master Plan adopted by the City by resolution. He does not necessarily agree with Mr. Fine's interpretation that the City needs to codify this by Ordinance. As to whether or not the public needs more discussion on this or the City needs to make the public aware, it is a policy decision.

Discussion held regarding rebuilding docks and seawalls.

Commissioner Tobin offered an amendment to differentiate between repair and replacement of seawalls. There was consensus to add language.

Discussion continued.

Commissioner Wolfson asked why this item does not belong in the Building Code.

Raul J. Aguila, City Attorney, explained that this was presented to him as an amendment to the City Stormwater Plan. These are permits issued by Public Works and when Public Works is reviewing the permit application one of the things that it looks for in requirement is minimum seawall cap elevation, so in the plan they are changing the seawall cap elevation and the plan is something they refer to during their permitting process.

Discussion continued.

Commissioner Wolfson is concerned that they are basically enforcing a Master Plan, as if it is a Building Code and asked if the Building Code discusses the seawall in any section.

Discussion continued regarding codification.

Raul J. Aguila, City Attorney, explained that the question is that the City is changing that elevation, and it is a policy determination as notice. However, it has not historically been codified before.

Mayor Levine asked if there was consensus that when doing repairs there is no need to raise the seawall, but with major repairs, it is necessary to raise the seawall.

Commissioner Wolfson asked how would they define what is a minor repair.

Eric Carpenter, Public Works Director, explained that anything more than 25% is significant.

Commissioner Tobin suggested having someone who knows about seawalls to comment on it and find out if it is 25% of the value of a new seawall or 25% of the linear feet on the waterway.
Eric Carpenter to handle.

MOTION 2:

Commissioner Malakoff moved the resolution accepting the recommendation from the Flooding Mitigation Committee to adopt these changes to the seawall cap elevation to better protect the City and homes from flooding due to sea level rise as amended, to include minor repairs to seawalls, and not having to meet the higher elevation with the amount of what minor is (25% to be defined). Motion seconded by Commissioner Wolfson. Voice vote: 6-1; Opposed: Commissioner Tobin.

4:45:50 p.m.

Eric Carpenter, Public Works Department Director, explained that after discussing with two vendors that pulled recent permits for seawall construction, they were informed that the average seawall price is about \$600 a linear foot, and they considered major repairs, but not new construction, for \$250 per linear foot. He explained the difference between a major repair and a minor repair.

Commissioner Tobin does not know enough about seawall construction to understand. He recognizes that on new construction, there is a need to raise seawall, but he does not understand the construction of seawalls well enough.

Discussion continued.

Commissioner Malakoff stated that for 150 feet for \$25,000 it would not require to do a new seawall, they could just repair what they have, based on 150 linear feet at \$250 it will be considered a major repair not requiring meeting the 5.7 feet NAVD. A major repair of caps and anchoring at the same time would require rising the seawall to 5.7 for the protection of the properties, especially waterfront properties.

Discussion continued regarding definition of minimum seawall cap.

Commissioner Weithorn suggested adding \$250 at "2014 price index with inflation." She is struggling with the concept and concurs with Commissioner Tobin. She is also concerned with people doing piece meal work rather than the entire work in an effort to get around this issue.

Discussion continued.

Commissioner Tobin suggested increasing the threshold from the number of linear feet times \$300 plus the CPI.

Discussion held regarding costs per foot.

Eric Carpenter, Public Works Department Director, explained that the reason they wanted to keep it at a hard number rather than percentages, was to avoid having moving pieces

Discussion continued.

Mayor Levine added that waterfront properties values are increased and they need to be protected. He asked if there was consensus to change it to \$300 with a CPI.

Discussion continued regarding seawalls keeping storm water from coming in.

MOTION 3:

Motion made by Commissioner Wolfson at \$300 per linear foot with a CPI; seconded by Commissioner Malakoff; Voice vote: 7-0.

Commissioner Tobin thanked his colleagues for tweaking the language.

Handout or Reference Materials:

1. Handout distributed at 4:46 p.m. RE: Proposed Improvements.

3:19:33 p.m.

R7R A Resolution Calling For An November 4, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 2.07 Establishing Procedures For The Filling Of Vacancies In The City Commission Should Be Amended To Establish Specific Procedures For The Filling Of Vacancy Caused By Resignation Of A Member Of The City Commission, And To Provide That If The City Commission Chooses Not To Fill A Vacancy By Appointment, Then Provisions Related To A Special Election To Fill Said Vacancy Shall Be Established In The City Resolution Calling Said Special Election.

(City Attorney's Office)

(Deferred from June 11, 2014 - R9P)

ACTION: Item deferred.

Raul J. Aguila, City Attorney, stated that this is a Charter Amendment regarding filling vacancies on the City Commission. He explained that he continues to meet with Commissioner Wolfson, and at their last meeting, they agreed that the item needs additional work, and he suggested deferring the item.

3:20:37 p.m.

R7S A Resolution Calling For A November 4, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Article V Should Be Amended To Require That Within The 6 Months Preceding The City Commission's Ratification Of The City's Collective Bargaining Agreements With The Respective Labor Unions The City Commission Shall Consider At Public Hearing A Written Report Presented By The City Manager Or His Designee/Budget Director Detailing The Current Status And Related Fiscal Impact Of Fringe Benefits, Including Pension And Health Insurance Plans, Provided To City Officers And Employees.

(Requested by Commissioner Deede Weithorn)

(Legislative Tracking: City Attorney's Office)

ACTION: Resolution 2014-28685 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **City Attorney's Office to handle.**

Commissioner Weithorn stated that she had been asked what was the cost to the City to hold the Special Elections. She understands this coincides with the primary elections and cost would be minimal.

Rafael E. Granado, City Clerk, explained that the cost to the City is approximate \$62,000, \$32,000 charged to the Miami-Dade County Elections Department and \$30,000 for mandated advertisement.

Commissioner Weithorn explained that this item is a codification of what they have been recently doing, but it has not always been the City practice. When they have Collective Bargaining Agreements, there are pension benefits that are negotiated that have long-term costs to the City, sometimes as long as 30 years. There never has never been a formal process, but the public has to be informed as to what the costs will be. This Charter amendment would require that at least six months before a contract is ratified a public hearing is held, so the financial impact is put out there and the public is aware of the long-term costs of all collective bargaining. This is not anti-union or anti-City. This is a transparent way of making sure everyone understands what the benefits and cost are to the City.

3:22:43 p.m.

R7T A Resolution Recognizing And Approving Early Voting For The November 4, 2014 City Of Miami Beach Special Election.

(City Attorney's Office/City Clerk's Office)

ACTION: Resolution 2014-28686 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Vice-Mayor Grieco; Voice vote: 7-0. **City Clerk and City Attorney's Offices to handle.**

Adopted without discussion.

3:23:10 p.m.

R7U A Resolution Authorizing The Miami-Dade County Canvassing Board For The November 4, 2014 Countywide General Election As Canvassing Board For The City Of Miami Beach's Special Election To Be Held On November 4, 2014.

(City Attorney's Office/City Clerk's Office)

ACTION: Resolution 2014-28687 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **City Clerk and City Attorney's Offices to handle.**

Adopted without discussion

3:23:20 p.m.

R7V A Resolution Approving An Expenditure Of Budgeted Funds In Reasonable And Necessary Amounts For The Public Purpose Of Informing And Educating The Voters Of The City Of Miami Beach Regarding The Ballot Questions On The City's November 4, 2014 Special Election, In Order To Achieve A More Informed Electorate Vote.
(Communications)

ACTION: Resolution 2014-28688 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Nannette Rodriguez to handle.**

Adopted without discussion.

9:27:57 a.m.

R7W A Resolution Urging The Florida Legislature To Enact Legislation To Criminalize The Nonconsensual Disclosure Of Sexually Explicit Images.
(Requested By Vice-Mayor Michael Grieco)

ACTION: Vice-Mayor Grieco will draft a formal resolution or possibly an Ordinance, and present it to the Commission on July 30, 2014.

Vice-Mayor Grieco began by recounting the Florida Association of Women Lawyer luncheon he attended recently. He was very moved by what he heard, and brought three members of the Association to today's meeting: Deborah Baker, Mary Anne Franks, and Elisa D'Amico.

Professor Franks of the University Of Miami School Of Law introduced herself as the Vice-President of the Cyber Civil Rights Initiative. This organization is currently dealing with the problem of non-consensual pornography, commonly known as "revenge porn." Ms. Franks stated how all of us in today's society rely on others to keep certain information confidential, such as banking information, medical history, social security numbers, etc. Yet sexual privacy is not treated with the same consideration and respect. This has led the abusers to use explicit images for blackmail, coercion and even to make money from another person's sexual humiliation. The victims of non-consensual pornography are usually blamed for their actions, even in the event when they were unaware of being filmed.

Vice-Mayor Grieco asked to what extent the victims suffer. Does it leave hurt feelings or effects that are more drastic? Ms. Franks answered that leaked photos have lead several victims to suicide. There is a misperception that if the victim is under the age of 18, this would be easily handled by child pornography laws, this is not usually the case. By the time this information has made it out to the Web, it is never going to come back, and teenagers facing that kind of humiliation and harassment are not able to cope with it. Many other victims have had to change their jobs, they have been fired for this inappropriate material, and they have been kicked out of school while the perpetrator has been allowed to stay in school. Professor Franks cited a local victim who was forced to change her name because every time you typed her name into a search engine, the first 3 pages of results were intimate photographs and videos of her.

Vice-Mayor Grieco asked what is the status of laws protecting individuals from non-consensual pornography at the State level. Professor Franks replied that all attempts thus far have failed due to poor drafting, or not enough attention on the issue.

Vice-Mayor Grieco stated he would like to come back to the July 30, 2014 Commission Meeting with a formal drafted resolution that can be adopted, and he may even come back with a possible Ordinance that would make it a violation of our Code. **Clerk's Note: See July 30, 2014 Commission Agenda item C7G.**

Commissioner Wolfson inquired how the criminalization law would be drafted. Professor Franks responded that there is a model state law that she has been helping many state with, she has now worked with 16 state legislatures on their various forms of the law, and she is also working with the Federal Government as well to pass a Federal criminal law. The basic elements are: an actor will not knowingly disclose an image of another identifiable person whose intimate parts are exposed or who is engaged in a sexual act, when the actor knows or should have known that the depicted person has not consented to such disclosure. A few exceptions would be created, including voluntary exposure in public or commercial settings or disclosures made in the public interest, including but not limited to the reporting of unlawful conduct or the lawful and common practices of law enforcement, criminal reporting, legal proceedings or medical treatment.

Vice-Mayor Grieco thanked profession Franks and the Miami-Dade Chapter of the Florida Association of Women Lawyers.

Mayor Levine stated that this was very worthwhile and important cause.

3:46:08 p.m.

R7X A Resolution Urging The Florida Legislature To Remove The State Law Preemption Regarding Smoking Regulations To Permit Local Governments To Prohibit Smoking On Their Properties And On Beaches Within Their Jurisdiction.

(Requested By Vice-Mayor Michael Grieco)

ACTION: Resolution 2014-28689 adopted. Item heard in conjunction with R9K. See action with R9K. Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0. **City Attorney's Office to handle.**

3:53:46 p.m.

R7Y A Resolution Urging The United States Congress To Enact A Comprehensive Surface Transportation Program That Provides Long Term Funding For Local Transportation Projects.

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: City Attorney's Office)

ACTION: Resolution 2014-28690 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **City Attorney's Office and Jose Gonzalez to handle.**

Commissioner Weithorn introduced the item. This resolution urges the representatives on Capitol Hill to not cut funding for local transportation projects.

10:07:28 a.m.

R7Z A Resolution Approving The Extension Of Hours For Certain Alcoholic Beverage Establishments With A 5:00 a.m. Liquor License, Under Certain Specified Conditions Pursuant To Section 6 Of The City Code, For White Party 2014 (November 28, 29, 2014) As Recommended By The Gay, Lesbian, Bisexual, And Transgender (GLBT) Business Enhancement Committee.
(Requested by Commissioner Micky Steinberg)

ACTION: Resolution 2014-28691 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Grieco; Voice vote: 5-2; Opposed Commissioners Malakoff and Tobin. **Max Sklar to handle.**

Commissioner Steinberg introduced the item, and explained that this request for extension comes before the City Commission every year.

Commissioner Weithorn stated that she is familiar with this event, and she thanked Jonathan Walsh of Care Resource for asking for only a two-day extension and not a week extension. In response to a question posed by Commissioner Weithorn, Mr. Walsh stated that White Party events will be occurring on Miami Beach. Commissioner Weithorn stated that the City should not be extending the hours, when events are not occurring on Miami Beach, as this encourages people who have been drinking to come back across the causeway. The intent of the extension is to support events that are occurring on Miami Beach. When events are in Miami Beach, the revelers tend to stay on Miami Beach and they tend to make arrangements for transportation here.

Commissioner Malakoff is happy that they are having the White Party in Miami Beach, but she cannot approve the 7:00 a.m. closing time, because this is the time children are going to school, and pedestrians, bicyclists, and joggers are out. She concluded that 5:00 a.m. is a good time to complete the partying.

Commissioner Tobin agreed with Commissioner Malakoff to not extend the hours Citywide from 5:00 a.m. to 7:00 a.m. Doing so puts a big strain on the Police Department, the City and the safety of the residents.

Commissioner Steinberg supports extending the hours for this event in particular, but not for every event. She knows it is a well-done event and good for the community.

Commissioner Wolfson stated that historically the extension of hours has been done for this event. He agreed to extend the hours to 7:00 a.m. for the event, but if the impact is bad, then they should review the closing times.

Vice-Mayor Grieco is in support of the extension.

Motion made by Commissioner Steinberg; seconded by Vice-Mayor Grieco; Voice vote: 5-2; Opposed Commissioners Malakoff and Tobin. **Max Sklar to handle.**

Mr. Walsh, in an attempt to alleviate Commissioner Malakoff's worries regarding drinking and driving over the causeway, explained that the Saturday event in Downtown Miami is going to be more of a gala with food and not going to be heavy liquor consumption.

Commissioner Wolfson also requested the historical crime statistics, for example disorderly conduct and DUI's, during this event in comparison to nights without the extension. **Daniel J. Oates to handle.**

Commissioner Tobin stated that normally, when bars close at 5:00 a.m., for the first hour thereafter there is an increase in the number of fistfights. As the hours are extended for this event, Commissioner Tobin predicts the fistfights will move to six, seven and eight in the morning.

R7AA A Resolution Setting A Public Hearing On September 10, 2014 To Adopt The Sevenths Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.
(Budget & Performance Improvement)

ACTION: Item withdrawn by the Administration.

3:54:48 p.m.

ADDENDUM MATERIAL 1:

R7BB A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Employment Agreement Between The City Of Miami Beach And City Attorney Raul J. Aguila, With The City Attorney's Office Term Of Employment Having Been Deemed To Commence Retroactively, As Of His Appointment Date On May 16, 2014.
(City Attorney's Office)

ACTION: Resolution 2014-28692 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

No discussion held.

3:23:46

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

R7CC A Resolution Calling For An November 4, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 1.03 Governing "Powers Of City" Should Be Amended To Require That The Sale, Exchange, Conveyance, Transfer, Or Lease Of Ten Years Or Longer Of Any City-Owned Real Property Interest Be At No Less Than Fair Market Value, Subject To Waiver Of Said Requirement By A Unanimous Vote Of Those Members Of The City Commission With The Power To Vote, Finding Such Waiver To Be In The Public Interest?
(Requested by Commissioner Edward L. Tobin)
(Legislative Tracking: City Attorney's Office)
(Deferred from June 11, 2014 - R9N)

ACTION: Item moved from item R9F. Item withdrawn by Commissioner Tobin.

TO DO:

Raul J. Aguila, City Attorney, to bring to the July 30, 2014 Presentation and Awards Commission meeting a ballot question closing the loophole relating to management and concession agreements.

City Attorney Raul J. Aguila explained that this was a Charter amendment that is being requested to be placed on the November 4, 2014 ballot by Commissioner Tobin. What this does is it adds a new section to the Charter, Section 103, which governs the sale and lease of City property, and what Commissioner Tobin is requesting is that we add a provision there that the sale, exchange, conveyance, transfer or lease of 10 years or longer of any City real property interest be at no less than fair market value, unless it is waived by a 6/7 vote of the City Commission.

Commissioner Tobin stated that there is a trick in the current Ordinance where they do these 99-year management agreements, so the public does not know the City was giving the property to someone for 99 years. Commissioner Tobin inquired of the City Attorney if they could close that loophole with this proposed Charter amendment.

City Attorney Aguila responded that it does not, and the Office of the City Attorney is still working on it. The resolution before them today is just with regard to fair market value.

Commissioner Malakoff stated that she understands what Commissioner Tobin has in mind, but she disagrees respectfully. Commissioner Malakoff believes that fair market value should be imposed for commercial purposes, she absolutely agrees with that, but not necessarily for noncommercial propositions. For instance, Sabrina Cohen was just here trying to raise money to build a fitness center for people needing accessibility and to help people with exercise, balance and mobility; there is a great public purpose to such a building. That is one example. It could be an art center. There are others such as a university. There are other types of building that provide such a positive public purpose that Commissioner Malakoff does not believe it has to be at fair market value, because the City is getting in return something that is desirable for the City, whether it is a university or an art center or a mobility center. Therefore, Commissioner Malakoff does not think this proposal is a good idea.

Mayor Levine commented that he agrees with Commissioner Tobin and the City always wants to receive fair market value and he has been an aggressive leader on the subject. 87 Street is a perfect example right now, and probably we will be having the same example with Terminal Island. However, he thinks it rests with the elected leaders to have the responsibility and trustworthiness to have the best interest of the public at heart. There are many things that come up, whether it is a university or another building that may not have the funding to pay the fair market value; and as elected leaders, they need the flexibility and some level of trust to judge the public purpose and possibly offer the property at less than fair market value. He added that to codify this item is like putting handcuffs on, and ultimately, prevents the elected officials from doing the right thing for the people that live in Miami Beach.

Commissioner Tobin stated that the Code contains sections that require a supermajority vote rather than a 4/7 vote. In his tenure as a Commissioner, Commissioner Tobin has seen the public getting hustled out of tens of millions of dollars in these sorts of deals, and the public does not know what is going on. He stated that for the time he has left as a Commissioner, he is trying to put things in place that will safeguard the public down the road.

Mayor Levine stated that the City Commission is not giving away public land; but it allows the elected leaders the flexibility to charge below fair market value when there is a valuable public purpose.

Vice-Mayor Grieco inquired if this proposal is taking the required 4/7 vote to a 6/7 vote.

City Attorney Aguila responded that right now they have no requirement in the Charter that obligates the Commission to sell or lease land at fair market value. What they have in the Code is that the City needs an appraisal, but that requirement may be waived by a 5/7 vote.

Commissioner Tobin asked if they could adopt the 5/7 majority vote language that is already adopted by resolution, and place it in the Charter in lieu of the 6/7 being proposed.

Vice-Mayor Grieco stated that he is comfortable with a 5/7 vote, which is pretty much the practice now, and if the public is comfortable with this it can be placed in the Charter; but Vice-Mayor Grieco is not inclined to keep issues off the ballot.

Mayor Levine stated that he did not know they were required to have a 5/7 vote presently. Commissioner Malakoff stated that said requirement was not in the Charter and she does not believe this belongs in the Charter.

Vice-Mayor Grieco stated that his concern is that public property does not belong to the elected officials, but rather it belongs to the public.

City Attorney Aguila explained that there is language in the existing City Code under the Shapiro Ordinance, which reads: for the lease or sale of property, the City is required to do appraisal, unless it is waived by 5/7 vote. If they amend the Code, the language will read: the Commission has to do an appraisal and also lease, sell, convey or exchange City property at fair market value, unless it is waived by 5/7 vote. As Vice-Mayor Grieco is suggesting, they can adopt such a Code change, and see how that works, and if it works positively maybe they can proceed; if not, the Commission could amend it by a majority vote of this body. Once it is in the Charter it can only be changed by referendum.

Commissioner Tobin explained that the language he is asking to include in the Charter is as follows: before the City can sell, exchange, convey or lease City owned property for ten years or longer, it will require a 5/7 vote of the City Commission if not done at fair market value.

Discussion was held regarding the definition of "fair market value," which would have to be defined by Ordinance, according to City Attorney Aguila.

In answering Mayor Levine's question regarding procedure, Mr. Aguila explained that if a university, for example, wants to lease City land for a period over ten (10) years to build a campus, currently under the City Charter, that would need to go to the Planning Board and get 4/7 approval, and then to this Commission and get 6/7 vote by this Commission. There is no requirement that it be at fair market value, but it still requires that the transaction be approved by 6 votes because it is the transfer of City land. If this ballot question passes, in addition to getting six votes to approve a transaction like that, the transaction would have to be at fair market value, unless the Commission waives that requirement by a 5/7 vote.

Discussion continued.

City Attorney Aguila explained that referendum only applies to certain properties. A normal City property proposed for sale, lease, exchange or conveyance, would require 6/7 vote of this Commission and 4/7 approval of the Planning Board. At the present time, the sale, lease, exchange or conveyance does not have to be at fair market value. In other words, they could do a deal for less than fair market value, but they need six votes to approve that deal. What

Commissioner Tobin is adding is an additional requirement that reads that not only do they need six votes to approve that deal, but if they do the deal for less than fair market value, then they have to waive that requirement by a 5/7 vote.

Discussion continued.

Commissioner Wolfson stated that the person that voted yes to the first vote is likely to vote yes on the second vote.

Discussion continued.

Raul J. Aguila, City Attorney, clarified that the referendum requirement applies to park, waterfront or those properties in the Charter that are enumerated.

Commissioner Malakoff stated that the problem with placing such a requirement in the Charter is that one generation ties the next generation's hands. Commissioner Malakoff stated that she has no problem with Vice-Mayor Grieco's suggestion of putting into the Code, but she has a problem including it in the Charter.

Commissioner Wolfson stated that the notion that the City sells things for fair market value is a good idea.

Discussion continued.

Commissioner Tobin requested a voice vote on ballot question to require the Charter to have a provision requiring a 5/7 vote if City property is not leased, sold, conveyed or exchanged at fair market value. Commissioner Tobin added that as far as consensus goes, he wants to finally address the loophole that exists, because there are times when they give someone a 99-year management agreement on the property rather than leasing it to avoid the ten (10) years or longer requirement.

Discussion continued.

In response to Commissioner Wolfson's question, City Attorney Aguila explained the loophole. Right now the Charter does not require or does not govern approval of things like management agreements or concession agreements, and there have been situations, Commissioner Tobin referenced some examples, but let us take the UNIDAD Senior Center, where the City Commission approved a long-term use agreements, which is not a sale or a lease, but they are long-term commitments. Commissioner Tobin is simply saying that where they have a long-term use agreement like that, where somebody ties up the use of a facility for over 10 years, then they should be required to undergo the same requirements in the Charter as a lease would.

Discussion continued.

Commissioner Wolfson stated that it all comes down to the City Attorney's Office and how certain arrangements and agreements are interpreted.

Commissioner Tobin stated that he would withdraw the item, in order to gain better consensus on the issue. Commissioner Tobin suggested that maybe they start by putting it in a Code where at

least they have to go through the exercise of determining fair market value and see how that works.

Mr. Aguila stated that with regards to the other issue (the loophole), he can draft a Charter question for the July 30, 2014 Commission Agenda on the management and concession agreement. Mr. Aguila addressed Commissioner Wolfson and stated that although it is a question of interpretation, there is an argument to be made that management agreements and concession agreements are more in the form of licenses, and that the City should close that loophole, because they do have agreements where they are essentially transferring the use of a property and it is like a lease but it is not a lease. He recommended, as Commissioner Tobin suggested, that it makes sense closing that loophole.

There was consensus to bring the ballot language referencing management and concession agreements (to close the loophole) to the July 30, 2014 Commission Meeting.

Commissioner Tobin withdrew from further consideration item R7CC.

9:44:27 a.m.

ADDENDUM MATERIAL 1:

R7DD A Resolution Urging The U.S. Army Corps Of Engineers And The Great Lakes And Dock Company To Take All Necessary Actions To Limit The Impacts Of The Port Of Miami Deep Dredge Project On Local Natural Resources By Meeting And, Where Possible, Exceeding The Conditions Of Their Florida Department Of Environmental Protection Environmental Resources Permit And To Adhere To The Best Management Practices For Construction, Dredge And Fill And Other Activities Adjacent To Coral Reefs.

(Requested by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office/Environmental)

ACTION: Resolution 2014-28693 adopted. Motion made by Commissioner Wolfson; seconded by Commissioner Steinberg; Voice vote: 7-0. **City Attorney's Office and Elizabeth Wheaton to handle.**

Rachel Silverstein from Biscayne Waterkeeper spoke. This organization is a Grassroots non-profit environmental organization whose goal is to empower citizens to have clean water. This organization is concerned with the dredging going on due to the expansion of the Port of Miami. The dredging has damaged the water quality, and is severely affecting corals that have been in the area for millennia. Better practices by the U.S. Army Corps of Engineers will benefit Miami Beach.

Captain Kipnis, Chair of the City's Marine and Waterfront Authority, spoke and agreed with Ms. Silverstein statements, and urged the Commission to support the resolution.

Mayor Levine explained that this resolution will ask the U.S. Army Corps of Engineers to follow their own rules when it comes to dredging, and minimize their impact on their surroundings.

City Clerk's Note: Correction to Resolution made on the floor: Contractor's name is Great Lakes Dredge and Dock

3:59:57 p.m.

R7EE A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received, Pursuant To Invitation To Negotiate (ITN) No. 2014-130-ME For Online City Merchandise Store (The ITN).

(Tourism, Culture & Economic Development/Procurement)

ACTION: Item moved to item R7EE (formerly C7T). **Resolution 2014-28694 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **Max Sklar and Alex Denis to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. Mr. Sklar stated that an online merchandising and licensing store was originally the plan, and in fact, several talks were held with the City of New York, but after further review, he believes the best way to proceed is to reject the online merchandise store, and develop a strategic plan with licensing and trade marking to refocus the effort.

Mayor Levine encouraged Mr. Sklar to reach out to companies that can help with the trade marking of Miami Beach licensed merchandise.

2:47:19 p.m.

R7FF A Resolution Approving And Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its March 28, 2014 Meeting To Establish A Beach With Accessible Elements At The Beach Adjacent To Allison Park And Further Approving And Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its May 30, 2014 Meeting To Include An Adaptive And Inclusive Playground At Allison Park Located At 6500 Collins Avenue.

(Parks & Recreation)

ACTION: This item was moved from Consent Agenda (formerly Item C7I) and was separated for discussion by Commissioner Tobin. Item heard in conjunction with R7L. **Resolution 2014-28695 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to move forward with the conceptual Master Plan for Altos Del Mar; Voice vote 7-0. **John Rebar to handle.**

RECOMMENDATIONS:

- Move forward with Phase I.
- Make accessible parking close to location easy for people to use.
- Construct retaining walls and place fill so ocean can be viewed from any angle.
- Construct major facilities at Allison Park and accessible beach component at Altos Del Mar (in partnership with Boucher Brothers for ADA beach equipment).
- Include accessibility in both locations, at Allison Park and at Altos Del Mar.
- Do more playgrounds that are accessible.
- Look at safety issues on Collins Avenue.
- The pavilion can be used to provide rest area, restrooms and storage; to build in the near future.

Jimmy Morales, City Manager, explained that there are two simultaneously issues: 1) the establishment of beach and playground with accessible elements in Allison Park, and 2) item R7L, which has to do with the Master Plan for Altos Del Mar Park. He asked direction from the Commission as to which item to address first, since there has been discussion about whether the accessible beach should be at Allison Park or at Altos Del Mar.

John Rebar, Parks and Recreation Director, explained that several public meetings have been held and the item has been reviewed at Neighborhood/Community Affairs Committee. He introduced Mr. Greg Ault.

Greg Ault, Vice-President, AECOM, stated that they are pleased to be here today and thanked the citizens who have come out. This is an interactive process. They held a number of workshops. He explained that they do this all around the world and it is always a better plan when the people take ownership of the plan. He presented the final approved plan; it is a passive park; a neighborhood park. It has been built through a very participatory process. It is a very passive, ADA accessible, all-inclusive sort of a park, which is open to all people of every age and ability. The main parts of this and the main green park is almost a Fairchild Garden tropical native planting on either side, very lush, very shaded, with beautiful walkways underneath.

[PowerPoint presentation shown.](#)

Discussion held.

Commissioner Weithorn stated that she attended several of these meetings and does not recall the handicap access park or beach options discussed at any of the meetings in any substance. Her concern is parking. A handicapped individual will have to travel at least one block to get there, and she has concerns about that.

Mr. Ault stated that the extent of the conversation was largely on the playground apparatus itself but they had discussed it with the Sabrina Cohen Foundation.

Discussion continued.

Commissioner Weithorn added that if they are making a handicap accessible park and beach, it needs to be in a location where parking is easy for people to use it.

Jimmy L. Morales, City Manager, stated that the understanding was that Allison Park was the preferred location for the accessible amenities, and Altos Del Mar was as designed and discussed by the community, but during some of the briefings, questions were raised as to the actual location, so that is the reason the two items are being heard in conjunction. The direction the Administration had was to do the accessible park and beach at 64th, 65th Allison Park, and also because of the proximity to the Shane Center, they are doing adaptive programs. Altos Del Mar was to be consistent with what the neighbors talked about. He asked for direction.

Commissioner Tobin stated that if the handicap area is on the other side of the volleyball area, people would park next to this pagoda pavilion, so then the distance is not as far as if trying to park on Collins Avenue.

Mr. Ault explained that there is parking below it and there is existing parking that they retained. In the ultimate plan, they lose eight parking spots, but that is the existing parking, and then the County Library parking exists as well.

Commissioner Tobin suggested constructing retaining walls and placing a lot of fill in this piece, so the ocean can be viewed from any angle.

Discussion continued regarding other park uses such as a surf cam and water feature.

Commissioner Weithorn explained that there is no money in the budget to go beyond the first phase, so the building is not going to happen for at least two years or longer. She tends to favor the other location because of its proximity to a lot of different things. She understands that there is some parking although it may be a longer access. There was no real consensus by the community on the shelter or bathrooms. No consensus on volleyball; the only consensus is what they have scheduled to build, which is the elevated place, because they have no place on the beach and no park, at least in North Beach, where they have a beautiful view of the beach, and that is what people asked for, and to change that now is disingenuous to people that spent hours on this. The memorandum clearly states that there is no funding or decision to do these items.

Discussion continued.

Commissioner Tobin asked if the \$10.5 million that the developer offered the City this morning to rehab the parks can be used for this purpose.

Jimmy L. Morales, City Manager, stated that the \$10.5 million, if and when it happens, is a lot more than what they would spend on North Shore Open Space Park.

Mayor Levine added that if they make that deal there would be additional funds available potentially for Open Space Park, maybe for this program, for the North Beach trolleys, for the Senior Center, for volleyball courts improvements or maybe a Dominoes Park for the seniors, but it is important that the City does not spend funds that the City does not have.

Discussion continued.

Jimmy Morales, City Manager, added that it is possible to do the major facilities at Allison Park, and do an accessible beach component at Altos Del Mar. There is no concessionaire behind Allison Park, but the Boucher Brothers are on 75th, and they have offered to expand their storage area and buy the ADA beach equipment needed.

Discussion continued.

Commissioner Weithorn thinks this is a wonderful compromise, as there are lifeguard stations there, parking, and the concessionaires are there. It is a terrific compromise.

Discussion continued.

Commissioner Malakoff stated that the design looks great, but she thinks it is important to have accessibility in both locations, at Allison Park and at Altos Del Mar.

John Rebar, Parks and Recreation Director, explained that the budgeted amount right now is \$2.9 million for construction documents and it is in the budget from prior years for construction. They believe they can finish the largest rectangle or phase one, including the volleyball and some sort of kids play area with that budget, not including the building and the interactive splash pad.

Discussion held regarding costs.

Commissioner Wolfson asked about the cost for a swimming pool or interactive splash pad and the building height.

Mr. Ault stated that \$4.6 million is the estimated cost for the entire project (hard costs).

Mayor Levine suggested approving Phase I and move forward.

Commissioner Weithorn agreed with doing Phase I for now. They may have more room to do a better splash pad concept or pavilions at a later time. She thinks they should do what they told the residents and continue with Phase I. If they want to make the accessible beach that is terrific, because it is not a big change in scope and frankly, she does not understand why they do not do more accessible playgrounds, since that makes sense.

Mr. Ault stated that they have talked a lot about safety across Collins Avenue, and he knows this is an FDOT street, but there are many folks walking across there and is not safe. They need to look at the safety issues there.

Discussion continued.

Commissioner Wolfson asked if in the past if there was a promise of State money associated with this project. **City Manager's Office to research.**

MOTION 1:

Commissioner Malakoff stated the pavilion would provide some cool area to rest. It would provide restrooms, storage, etc., and it is essential that it is built in the near future. She made a motion to move forward this conceptual master plan for Altos Del Mar Park; seconded by Commissioner Weithorn. No vote taken.

Discussion continued.

Sabrina Cohen, President of the Sabrina Cohen Foundation, addressed the City Commission and thanked the City for allowing her to speak as a spokesperson for this project and for the disabled community. Since they started working on this project, the response from the community has been amazing. Everyone is ecstatic about this project. From her perspective, she has done multiple site visits at Altos Del Mar, as well as 64th Street; both are beautiful locations, and what 64th has to offer versus 75th, is that they are already accessible bathrooms in place; there is a private parking lot with handicap spaces and the distance from the boardwalk to the ocean is narrower. This gives convenient access to the mobimats. They are also in support of the project at the other location. Funding has been located from the City to implement the adaptive playground.

John Rebar, Parks and Recreation Department Director, stated that there are \$291,000 of FDOT money coming in for the projects, and there is a Capital Request to Commission for \$500,000,

which raises the park portion to \$791,000 project, and then they can do a fully accessible playground with amenities.

Ms. Cohen stated that her foundation recently won the largest amount of grant money from the Miami Foundation Open Space grant for \$15,000, which was donated to the foundation to compliment wherever they open the accessible beach, and they have a year to use those funds. Part of the commitment, in addition to raising funds to keep the program running, is getting people in the water, teaching adaptive rowing, surfing, yoga and meditation. They are excited to get this done.

MOTION 2:

Commissioner Weithorn moved to adopt this location; seconded by Commissioner Malakoff.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION: The following changes and appointments were made:

AD-HOC COMMITTEE CENTENNIAL CELEBRATION:

Nicole Eldridge	Resigned 6/5/2014	
Carmen Lopez	Term ending 07/31/2015	Appointed by Commissioner Steinberg

AUDIT COMMITTEE:

Commissioner Deede Weithorn

COMMITTEE FOR QUALITY EDUCATION IN MB:

Becky Cohen	Resigned as of 12/31/2014
Beth Edwards	Rep. of the PTA for Nautilus Middle School 06/30/2015
Jessica Burns	Rep. of the PTA for South Pointe Elementary 06/30/2015
Shelley Nicely Groff	Rep. of the PTA for Miami Beach Senior High. 06/30/2015

COMMITTEE ON THE HOMELESS:

Mirta Limonta	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
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CONVENTION CENTER ADVISORY BOARD:

Tony Rodriguez	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
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FINE ARTS BOARD:

Melissa Broad	Removed due to absences
Nathan Korn	Removed due to absences
Michelle Ricci	Removed due to absences

HISPANIC AFFAIRS COMMITTEE:

Patti Hernandez	Resigned July 8, 2014	
Alex Fernandez	Term ending 12/31/15	Appointed by Commissioner Weithorn TL 12/31/21

HOUSING AUTHORITY:

Leonor Fernandez

HA Commissioner	Term ending 10/11/17	Appointed by Mayor Levine	TL 10/11/21
Dr. Barry Ragone			
HA Commissioner	Term ending 10/11/17	Appointed by Mayor Levine	TL 10/11/21

MARINE WATERFRONT PROTECTION AUTHORITY

Monica Elena Casanova	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21
Albert Parron	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Dr. Morris Sunshine	Term ending 12/31/2014	Appointed by Vice-Mayor Grieco	TL 12/31/21

MAYOR'S BLUE RIBBON PANEL FOR WASHINGTON AVENUE:

Saul Gross	Term ending 7/9/2015	Appointed by Mayor Levine
Eric Lawrence	Term ending 7/9/2015	Appointed by Mayor Levine
Adriana Savino	Term ending 7/9/2015	Appointed by Mayor Levine
Lyle Stern	Term ending 7/9/2015	Appointed by Mayor Levine

MAYOR'S BLUE RIBBON PANEL ON NORTH BEACH REVITALIZATION:

Ricky Arriola	Term ending 03/03/2015	Appointed by Mayor Levine
Margueritte Ramos	Term ending 03/03/2015	Appointed by Mayor Levine
Daniel Veitia	Term ending 03/03/2015	Appointed by Mayor Levine

MAYOR'S BLUE RIBBON PANEL ON FLOODING AND SEA LEVEL RISE:

Dr, Dwight Kraai	Term ending 01/06/15	Appointed by Mayor Levine
Dr. Michael Phang	Term ending 01/06/15	Appointed by Mayor Levine
Scott Robins	Term ending 01/06/15	Appointed by Mayor Levine

MIAMI BEACH HUMAN RIGHTS COMMITTEE:

Bernardo Collado	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21
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MIAMI BEACH SISTER CITIES PROGRAM:

Magui Benitez other	Term ending 12/31/15	Appointed by Mayor Levine	TL 12/31/21
Maria Lucila Maltagliati			
Fortaleza, Brazil	Term ending 12/31/14	Appointed by Mayor Levine	TL 12/31/21
Omar Caiola, Other	Term ending 12/31/14	Appointed by Mayor Levine	TL 12/31/21

POLICE CITIZENS RELATIONS COMMITTEE:

Robert Lopez	Term ending 12/31/15	Appointed by Mayor Levine	TL 12/31/21
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TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN FACILITIES COMMITTEE:

Hector Fontela	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21
William "Bill" Hahne	Member MDPL Letter of July 2014		

Handout or Reference Materials:

1. July 23, 2014 At-Large Appointments Aid

8:31:38 a.m.

R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: No appointments were made.

4:02:48 p.m.

R9A2 Nomination Of Audit Committee Members.

(Procurement/City Manager's Office)

ACTION: Commissioner Weithorn appointed herself to the Audit Committee. The remaining members of the City Commission agreed to e-mail the City Manager their selection.

Raul J. Aguila, City Attorney, explained the item. In conjunction with the RFP for Audit Services that was approved under item C2B, Florida Statute § 218.391 requires the appointment of an Audit Committee. An Audit Committee must be established to select the external auditor for the City. Mr. Aguila explained that the Mayor and Commissioners could nominate their representative to the Audit Committee either today or via e-mail submitted to the City Manager. Mr. Aguila explained that Florida Statute § 218.391 requires an Audit Committee for the solicitation of an auditor to serve as the selection committee for that process. The members could be one or more Commissioners or anybody else. There is no requirement as to who it has to be.

City Manager Jimmy L. Morales and Mr. Aguila explained that although the Statute does not require a specific number of individuals to serve on the Audit Committee, it merely says that a Committee is needed, the City Manager has asked that each member of the City Commission appoint one, so they will have a Committee of seven to deal with this issue and other issues under the purview of the Audit Committee.

Consensus was reached that each member of the City Commission would e-mail the City Manager his or her appointments to the Audit Committee no later than "next week" (July 27 through August 1).

Commissioner Weithorn stated that these auditing services are done by a CPA, so it would help if her colleagues appoint a CPA or someone with a financial background.

Raul J. Aguila, City Attorney, stated that the member can be staff, resident, or members of the City Commission, as long as they have financial or audit background.

Commissioner Weithorn announced that she would be appointing herself.

Clerk's Note: See LTC 223-2014 [LTC-223-2014](#).

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

ACTION: The following individuals spoke:

1. Jonathan Welch, Marketing Development and PR with CARE Resource. Efforts are taking place for Miami Beach to host the White Party during the 2014 Thanksgiving Weekend. Mr. Welch is asking the City to extend their liquor license from 5:00 a.m. to 7:00 a.m., as it was done in previous years. The event organizers would like the partying to stay in Miami Beach, and further cement the City's reputation as a LGBT destination. (Clerk's Note: See Action in R7Z.)
2. Stanley Shapiro, Miami Beach resident, stated that he can rely on the efforts of Carlos Jimenez, Philip Levine, and Bruno Barrero to be heard when he has any issue. Mr. Shapiro also applauded the achievements of Beth Bloom and Darryn Gale who were appointed to the Appellate Court. He then gave an acknowledgement to the Israeli Ambassador to the United States, Ron Dermer, who is a Miami Beach graduate. Mr. Shapiro then complained about three circular busses that broke down last Sunday, and urged Mayor Levine to negotiate with the County so that Miami Beach can take over the circular busses. Mayor Levine told Mr. Shapiro that the talks were underway.
3. Madeline Caseres spoke regarding her mother's dry cleaning shop on Sheridan Avenue, and how Mr. Saul Frances, Parking Director, helped them secure the much-needed parking spaces that were limited due to road construction.

1:09:05 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individual spoke:

1. Alberto Machado commented that Miami-Dade County Transit loses \$47 million every month; this loss is caused by bad management. Mr. Machado reported that he is unable to place his bicycle on the racks fronting many buses, as the racks are bent and in disrepair. Irrespective of the poor condition of the bike racks, the County bus drivers do not allow him to tie his bicycle to the racks using a rope. Mr. Machado fears that his bicycle will fall if he places it in one of these defective racks. Mr. Machado also stated that the County prevents the buses from travelling from Downtown Miami to Miami Beach on weekends and late hours. Additionally many of the buses traversing the County are out of service, with signs that say "garage." Mr. Machado speculates that this is being done to force the tourist and residents to use taxis. Mr. Machado asked for the City's Transportation Division to look into this matter. Mr. Machado reiterated his request that the bike rack on Lincoln Road be relocated, as it prevents him from properly boarding the bus. He has asked for this relocation on several occasions, but it has yet occur.

R9C Update On The Miami Beach Convention Center Project.
(City Manager's Office)

ACTION: Item deferred to July 30, 2014 Presentation & Awards Commission Meeting. Lilia Cardillo to place on the Commission Agenda.

2:08:40 p.m.

R9D Discussion Regarding Potential Entrepreneurial Startup/Incubator Space In North Beach.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. **Max Sklar and Jeff Oris to handle.**

RECOMMENDATION:

Administration to come back with a proposal and cost estimate for the site and bring back to Commission.

Mayor Levine stated that the idea is to come up with a City-sponsored space in North Beach, with desks and computers, and have a selection committee for entrepreneurs on a very early stage, where the City can offer a space for them to begin working, as in an incubator, that is of low cost to the City. He has seen it work in other cities, it is very popular and it allows entrepreneurs, young and old, to have a place to go. They are looking at a location perhaps adjacent to the Byron Carlyle Theater.

Discussion held.

Jimmy L. Morales, City Manager, explained that adjacent to the Theatre, there are office spaces where the North Beach Development Corporation operated. If walls are removed, an open space can be created where cubicles and desks can be set up. They had proposed \$145,000 repairs for that piece required for the annex, but that was not approved by Committee. He recommended coming back with a proposal. The other option would be a classroom-type building on the Log Cabin site, which is being used now by Parking. They will come back with a proposal, cost estimate and bring it back to Commission. **Max Sklar and Jeff Oris to handle.**

R9E Discussion Related To Towing And The Immobilization Of Vehicles.
(Requested by Mayor Philip Levine)
(Deferred from June 11, 2014 - R9G)

ACTION: Item not reached.

3:24:29 p.m.

R9F Discussion Regarding Proposed Ballot Question "City Property Valuation - Fair Market Value."
(Requested by Commissioner Edward L. Tobin)
(Deferred from June 11, 2014 - R9N)

ACTION: Item moved to R7CC.

4:02:06 p.m.

R9G Discussion Of Permitting For Temporary Religious Structures.
(Building Department)

ACTION: Discussion held.

Stephen Scott, Deputy Director Building Department, introduced the item. Every year the Building Department gets complaints about people not getting the necessary permits regarding the temporary religious structures, for example Sukkots. They will require permits on private property, but not from single-family homes.

Discussion held.

Commissioner Tobin asked to make a simple and user-friendly mechanism regarding permits, so that there will be no life-safety issues.

Jimmy L. Morales, City Manager, stated that technically these religious structures are illegal, but they are creating a process so that people cannot challenge the legality of what this community welcomes.

Commissioner Weithorn stated these permits should be publicized, and if someone does not have a permit, give them an after the fact permit, with a 48 hour timetable to do so. **Building Department to handle.**

9:37:01 a.m.

R9H Discussion Regarding Extending An Agreement For Legislative Services Between The City And Rutledge Ecenia, P.A., Gomez Barker Associates, Inc., And Robert M. Levy & Associates, Inc.
(City Manager's Office)

ACTION: Discussion held. Motion made by Vice-Mayor Grieco as amended; seconded by Commissioner Wolfson; Voice vote: 5-2; Opposed: Commissioners Steinberg and Weithorn. **Joe Jimenez and Alex Denis to handle.**

Amendment:

- Pay invoices up to date.
- Not accept a month-to-month extension.
- Bring contract to award at the September 10, 2014 Commission Meeting.

Mayor Levine does not understand the necessity for extending the agreement on a month-to-month basis, and requested an update from the Administration on the bid process.

Jimmy L. Morales, City Manager, stated that an LTC was issued listing the evaluation committee members selected. (Clerk's Note: See [LTC-2043-2014](#).) The reason they are recommending a month-to-month extension is that Tallahassee has changed over the years, and it is not just what happens during Session that is important, but there are many committee meetings in the fall.

Joe Jimenez, Assistant City Manager, stated that the Administration asked their lobbyists in Tallahassee to help at the Executive Branch level. They met several days ago with the FWC and they do monitor agency actions, but they are not asking for an extension.

Discussion continued regarding active lobbyists representation.

Mayor Levine asked how many firms have responded to the RFQ.

Joe Jimenez, Assistant City Manager, stated that the RFQ went out in February and the Commission agreed to wait to open the responses to give people working through the Legislative Session a chance to prepare the responses. The response date was extended until May.

Discussion held regarding the Procurement process.

Joe Jimenez, Assistant City Manager, explained that he is confident that they will have the contract awarded by the beginning of the legislative session.

Mayor Levine added that they should have a firm selected by September. If extended on a month-to-month basis there will not be a sense of urgency.

Commissioner Wolfson agrees with Mayor Levine that the item should move forward.

Alex Denis, Procurement Director, explained that the award is scheduled for the next Commission Meeting on September 10, 2014.

Commissioner Weithorn suggested allowing a month-to-month to terminate September 10, 2014.

Joe Jimenez, Assistant City Manager, suggested authorizing Administration to pass the contract extensions and pay the invoices to date.

Vice-Mayor Grieco made a motion to pay the invoices up to date, that they do not accept a month-to-month, and go forth with the September 10, 2014 Procurement initiative; seconded by Commissioner Wolfson; Voice vote: 5-2; Opposed: Commissioners Steinberg and Weithorn.

4:13:28 p.m.

R9I Shinola Clock Donation - Update.

(City Manager's Office)

ACTION: Discussion held. Motion made by Vice-Mayor Grieco to approve the Administration's recommendation; seconded by Commissioner Malakoff; Voice vote: 4-2; Opposed: Commissioners Steinberg and Weithorn; Abstained: Mayor Levine.

Thomas Mooney, Planning Department Director, stated that the Commission directed the Administration to prepare applications for potentially five locations for these clocks. Since then, Shinola Clock has informed the City that only two clocks would be donated, so the memorandum has been revised and the Administration is recommending a double-sided clock for the City, free standing at an overall height not-to-exceed ten feet. The heights of the clocks are 13 feet, and are suggesting a minimum of 10 feet to prevent vandalism. They also suggested the locations requiring DRB and HPB approval would be at the Normandy Fountain and at the Collins Park entrance. If separate action is required as signage, separate action of the Commission may be required. The Administration is recommending approval by DRB and HPB.

Handouts or Reference Materials:

1. Form 8B #107 filed by Mayor Philip Levine

4:16:15 p.m.

R9J Update On The Cost To Complete The Biscayne Point Island Entry Way.

(Requested By Commissioner Jonah Wolfson on May 28, 2014 - R9E)

(Legislative Tracking: Capital Improvement Projects)

ACTION: Update given. Motion made by Commissioner Wolfson; seconded by Commissioner Tobin; Voice vote; 7-0. **David Martinez, John Woodruff and City Manager's Office to handle.**

RECOMMENDATION:

- Prioritize \$230,000 and fund the \$85,000 through the budgetary process in FY 14-15.
- Item to be heard at the August 13 FCWPC

David Martinez, CIP Director, stated that since the last time the item was brought, they met with the Commission and residents of Biscayne Pointe Island, and they have considered adding scope and a set of budgetary numbers; one based on CIP procuring all services required to accomplish this, the final number is \$376,398; or \$315,918 if Public Works provides some of the labor. For the record, they have available budget of approximately \$230,000 for this type of work. With Public Works' assistance, they are looking at a difference of \$85,000.

Discussion held.

Commissioner Wolfson requested the City Manager to find funds to complete the project. **David Martinez to handle.**

Commissioner Weithorn stated that there is no funding for this project.

David Martinez, CIP Director, stated that there are some above ground funding remaining in the Biscayne Pointe general project at \$200,000, and there is a \$30,000 capital project from the past to redo the light fixtures from the bridge.

Discussion continued regarding additional \$85,000 funds needed.

Jimmy L. Morales, City Manager, will try to identify the additional funds.

Commissioner Weithorn clarified that by passing this item, they still have to figure out the funding of \$85,000 in FY 14-15.

Discussion continued.

Commissioner Weithorn announced that the item would be heard at FCWPC on August 13, 2014 at 1:00 p.m.

Mr. Martinez asked if the Commission wishes to prepare a separate capital budget sheet and move the monies into two separate projects into this one, for discussion purposes.

Commissioner Weithorn stated that they would work with Mr. Woodruff.

Brian Gilderman spoke.

Commissioner Weithorn suggested using the funds available this year and prioritize what is needed and leave the rest for the next fiscal year.

3:46:08 p.m.

R9K Discussion On Designating The Beaches On Miami Beach "Tobacco Free" As Part Of Our Legislative Agenda.

(Requested by Commissioner Joy Malakoff)

ACTION: Discussion held. Item heard in conjunction with Item R7X. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **Betsy Wheaton and Nannette Rodriguez to handle.**

RECOMMENDATIONS:

- Place "Thank You For Not Smoking" (or similar wording) signs on public beaches as public service announcements.
- Add to the Legislative Agenda

Vice-Mayor Grieco asked the City Attorney's Office to draft a resolution urging the State Legislature to pass legislation to prohibit smoking on the beach, or alternative amend legislation to allow the City to do it, because the City is currently pre-empted and the beaches are filled with cigarette butts, and there is just so much the City can do to curve the smoking. He urged his colleagues to support the resolution as drafted.

Commissioner Malakoff suggested, in the meantime, that signs be placed on public beaches that read "Thank You For Not Smoking."

Discussion held.

Mayor Levine suggested assigning beach areas where smoking is allowed for tourists and visitors.

Discussion continued.

Commissioner Wolfson is in support of prohibiting smoking on the beach, but there is a tourist population some of whom are smokers that may choose other destinations.

Discussion held.

Commissioner Weithorn suggested asking the State for the option, and at some point they may want to designate certain beaches as non-smoking beaches. She does not think there is anything wrong with that.

Commissioner Steinberg added that parks should be included as non-smoking areas.

Vice-Mayor Grieco explained that the only zone in the City where smoking is not allowed currently is in children playground areas.

4:16:08 p.m.

R9L Discussion Regarding A Resolution Providing Healthier Snacks In Vending Machines At All Of Our Public Facilities.

(Requested by Commissioner Micky Steinberg)

ACTION: Item deferred to the September 10, 2014 Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis to handle.**

10:14:12 a.m.

R9M Proposal For The Partial Re-Location And Master Planning Of Ocean Drive.

(Sponsored By Land Use & Development Committee)

(Legislative Tracking: Planning)

ACTION: Discussion held. Motion made by Commissioner Malakoff as stated including the amendments offered; seconded by Vice-Mayor Grieco; Voice vote; 7-0. **City Attorney's Office, Joe Jimenez and Thomas Mooney to handle.**

MOTION:

Motion made by Commissioner Malakoff to commence the design and construction process for the proposal to partially relocate a Master Plan for Ocean Drive from Fifth Street to 14th Street with the following criteria, as recommended the Land Use & Development Committee:

- Expand the sidewalk on the east side of Ocean Drive to seven (7) feet.
- File an application for Historic Preservation Board approval.
- Include the project in the Capital Budget for Fiscal Year 2015.
- Instruct the Ocean Drive Association to form a Special Assessment District for the additional sidewalk.

- Ensure that it has a paver featured clearly delineating the additional sidewalk from the existing sidewalk that holds the 10 feet of tables and chairs for the cafes.
- Draft and present any additional Ordinance amendments that may be necessary for sidewalk café operations and restrictions thereof.

The motion was seconded by Vice-Mayor Grieco.

Joe Jimenez, Assistant City Manager, stated that the proposals discussed for the last few months have ranged from closing Ocean Drive to all vehicular traffic to making Ocean Drive a one-lane street. After meeting with the Ocean Drive Association and their counsel, the proposal that Administration and the Ocean Drive Association have jointly brought forward is to keep Ocean Drive the way it is, recognizing that the problem on Ocean Drive is the limited amount of space on the sidewalk. Currently the sidewalk on the west side is 14.5 feet; they are proposing to take that to 21.5 feet, by pushing seven feet by eliminating one foot from each travel lane and five feet from the eastern sidewalk. The Administration recommends applying for that permit. Based on the recommendations of the community and Commissioners at the LUDC, they will then apply for a separate permit to extend the sidewalk on the east side an additional two feet into Lummus Park.

[PowerPoint presentation](#) made and discussion held.

Mr. Jimenez continued explaining that they are proposing a change from a ten to an 11.5 feet pedestrian path, more in line with Lincoln Road's 12 feet for example, and have the path on the east side of the sidewalk, to avoid walking through cafés. He added that they were instructed by the LUDC to write new sidewalk café regulations to go in line with this construction, and even recommend a different looking sidewalk; and if there is ever an increase in size, it would require a 5/7 vote or 6/7 vote to diminish that pedestrian path in any way. Under the new plan, sidewalk cafés would actually get a foot more square footage at 10.5 feet with an 11-foot pathway for pedestrians.

Commissioner Wolfson explained that the vision was to see how Ocean Drive could be improved from a grandstand point. To him, instead of taking an independent look at it, the Administration went to the property owners and looked at it from their perspective, and he does not think this is the way it should be addressed. The goal is to look at it from a global perspective and see how they can improve the aesthetics of Ocean Drive. He thinks this proposal gives the businesses more spaces for the sidewalk cafés. This adds tremendous value to the current method of doing business in Ocean Drive. Their current method of operation is that the public right-of-way subsidizes the value of the buildings there, and this will make the sidewalk cafés more usable, but does not change the nature of the experience in Ocean Drive. He suggested taking an independent vision.

Vice-Mayor Grieco disagreed with Commissioner Wolfson. This proposal is great and is not a product of the business community or of the Ocean Drive Association. This is a product of conversations with people that live on Ocean Drive. He walks from South Pointe up to 15th Street and cannot avoid the "tunnel experience" of walking on the west side of the street. He recognized Commissioner Tobin who started the conversation on this issue. This discussion was always about improving the Ocean Drive experience for local residents and tourists. This proposal not only doubles the size of the pedestrian experience on the west side of the Street, but it takes the experience of not walking through restaurants anymore, coupled with the fact that now there is a direct site with all the hotels that have been blocked for decades by huge umbrellas, that will be reduced in size as part of the accompanying legislation and Code amendments to Ocean Drive.

He thinks this shift improves the experience on the west side of the Street and brings harsh amendments to the Ordinance regarding umbrellas, encouraging retractable awnings, and he is supportive of this. He thinks it is the product of a great deal of hard work, and it was not just coming from the business community.

Commissioner Malakoff stated that the LUDC discussed this at great length and a lot of work went into it. One of the biggest concerns was to bring Ocean Drive back by enabling people to see the Art Deco buildings, which is what the District was all about in the first place, without the huge umbrellas. There will be more retractable awnings; there will not be the hawking of menus at people, this will be strictly governed. Her main concern was the east side closest to Lummus Park, because when the tour guides go by with people admiring the Art Deco buildings, they will enjoy the buildings both from the east and west sides with the new proposal. She is in support of having a seven-foot sidewalk rather than a five-foot sidewalk on the east side.

Commissioner Wolfson clarified that they are missing an opportunity to do something grand in Ocean Drive, using wider sidewalks and reducing the amount of vehicular traffic, and changing the nature and feel of Ocean Drive, rather than being a cruising street, to create a walking plaza, giving it a calm feel for hotel visitors or restaurant guests. However, he is in favor of widening the sidewalks on both sides and doing something grand.

Mayor Levine stated that he does not want to reward property owners or tenants with potentially more tables; he understands that there will be partitions, but in practice, that is not what happens. He likes the idea and the concept of what they are doing, but they need to add "real teeth" to it, have one row of tables and limit the amount of tables allowed. They need to figure out a way to limit one row of tables and that the City has an absolute limit on that on the west side of the sidewalk. This is a quality of life issue.

Discussion held.

Marlo Courtney, representing Ocean Drive Association, stated that the discussion makes sense, but some of this is a lot of people's responsibility, as well as the City. When the sidewalk café Ordinance was adopted back in 1991, restaurants were permitted to have five feet; then it went to ten feet, and then it allowed the creation of a pathway in between tables. The Ocean Drive Association is presenting the idea of eliminating the horrible experience of walking through the huge umbrellas extended from a curb to the building. This proposal will reduce that by five feet, because they will only be able to use the ten feet adjacent to the building.

Discussion continued regarding proposal and fees.

Commissioner Weithorn explained that this item came to the capital discussion last week, and there is no funding for this project right now. She added that one of the things they talked about was the idea of putting in some pavers down the line as a visual check that nothing should go beyond the walkway. This will require a concrete discussion of the Ocean Drive Association taking ownership and sharing in this process. They have had that conversation and it has to be done in a broader spectrum. She knows Marlo agrees with her.

Discussion continued regarding Ocean Drive leases.

Commissioner Wolfson stated that this will improve the experience but does not fix everything that is wrong with Ocean Drive.

Discussion continued.

Mayor Levine stated that the City needs to look at how they can generate the revenues they are supposed to generate, limit the amount of tables, and figure out how to get the finances in place. **Joe Jimenez to handle.**

Marlo Courtney explained that those cafés represent in terms of approximately \$40 million a year of resort tax revenue, in addition to \$1.5 million of the parking meters on the east side of the street; the City needs to make sure that it is fostered properly. They are in favor of a new paradigm on Ocean Drive because they want Ocean Drive improved.

Commissioner Weithorn suggested that they look at it at Finance, as this is a policy decision. She is inclined to approve the item with the provision that if a Business Improvement District is not instituted within two years or so, then they should increase the sidewalk cafés fees. She suggested referring this item to the Finance and Citywide Projects Committee, come up with options, work out the details and bring back to the City Commission.

Discussion continued.

Mayor Levine suggested proposing an absolute pathway that the City will be getting market rate, even if that means that some of the tenants will leave or have their rents adjusted.

Commissioner Wolfson explained that they are only improving the experience that sidewalk cafés can provide, but they are not addressing the global issue of what is wrong with Ocean Drive. These are positive steps forward, but this only touches a minor issue that benefits the property owners alone and does not get to the root of the problem.

Discussion continued. Mr. Courtney explained that the Planning Department is also coming up with new guidelines for the furniture and the behavior of everything that will happen in Ocean Drive. When they first heard about closing Ocean Drive, they did their own very preliminary traffic study hiring someone to give them a look at the streets. There are 2,000 hotel rooms and 35 cafés on Ocean Drive, turning traffic and closing Ocean Drive completely, or making it one-way, will affect the people that come to stay at hotels. They did not take this lightly; they want a higher standard as well.

Discussion continued regarding vehicular traffic being one of the biggest problems existing in Ocean Drive.

Vice-Mayor Grieco asked what is the consensus on the dais as to the proposed design. They also have the finance aspect of it; they have the Ordinance and the regulations, which will completely change the atmosphere.

Mayor Levine will support the item with the covenant that if ten feet is needed, it will have to be accompanied by new market rates. This will need to go to Finance and Citywide Projects Committee.

Discussion continued.

Commissioner Steinberg requested to see a draft of the proposed Ordinance with “teeth,” and she is in support of moving this forward if it will improve everyone’s experience on Ocean Drive. **Thomas Mooney to handle.**

Joe Jimenez, Assistant City Manager, stated that Ocean Drive got that way because of lack of enforcement and laziness, but they are committed to “tough love” and bring it back.

Mayor Levine is concerned with the enforcement ability. There has to be a methodology for enforcement.

Commissioner Tobin stated that they need to figure out first what is their vision of Ocean Drive and how to bring in high-end people, but first they need to get rid of the gauntlet. He agrees with Commissioner Wolfson in changing the experience of Ocean Drive; thereby, improving the quality of life in the area. He is in support of the proposal.

Discussion continued.

Commissioner Weithorn suggested three amendments and added that without them, this does not work: 1) Market Benefits – rather than market rent, she is willing to take less money to enhance the experience; 2) Have a design feature or paver that marks the line on the sidewalk and 3) This must be contingent with a Business Improvement District or other shared ownership responsibility with both the tenants and the owners.

Commissioner Tobin stated that they have \$24 million in the parking fund, which generate about \$7 or \$8 million a year. This is only \$3 million; they can do it and raise the rent on the sidewalk cafés by \$1 or \$2 to recover the money on the price by square feet.

MOTION:

Motion made by Commissioner Malakoff to begin the design and construction process for the proposal to partially relocate a Master Plan Ocean Drive from 5th Street to 14th Street with the following recommendations (which came out of the Land Use Committee): a) to expand the sidewalk on the east side of Ocean Drive to seven (7) feet, b) to file an application for Historic Preservation Board approval, c) to include the project in the Capital Budget for fiscal year 2015, d) to instruct the Ocean Drive Association to form a Business Improvement District for the additional sidewalk, and e) to ensure that it has a paver featured clearly delineating the additional sidewalk from the existing sidewalk, which holds the ten (10) feet of tables and chairs for the cafés; and any additional Ordinance amendments that may be necessary for sidewalk café operations and restrictions thereof. The motion was seconded by Vice-Mayor Grieco.

Commissioner Weithorn suggested doing either a Business Improvement District or a Special Tax Assessment District.

Discussion held.

Raul J. Aguila, City Attorney, stated that Legal has done two types of districts with Ocean Drive; one way of doing this is through Special Assessment District mechanism; they did one in the early 1990’s, and subsequently Miami Beach was one of the first cities in the country to do a Special Assessment Districts, or what they now is called Business Improvement Districts. If there is direction to do that again, they would need to structure it differently.

Discussion continued regarding Business Improvement Districts.

Raul J. Aguila, City Attorney, explained how to create a separate district for management, marketing and promotion. When creating a Special Assessment District for Capital Improvements, there is the need to create an assessment formula. In the past, the assessment formula was based on footage of each of the property owners. Also in the past, the City has funded a portion of the Assessment Districts through whatever funding sources the City has available, but normally the assessment collected from the property owners is based on a formula equally distributed among all of them.

Discussion continued as to the funding for the creation of a Special Assessment District project and sidewalk cafés fees.

Raul J. Aguila, City Attorney, explained that to fund a Capital Improvement District, they do not need a vote of the property owners; however, the City Commission needs to provide notice to the property owners within the proposed district, and these property owners are allowed to come and testify with regard to the assessment. For Business Improvement Districts, a majority vote of the property owners of the district is required.

2:00:10 p.m.

R9N Discuss O Cinema As A Tenant At The Byron Carlyle With Direction To Bring Back An Agreement For Review.

(Requested by Commissioner Joy Malakoff)

ACTION: Item heard in conjunction with item R9O. Discussion held. Motion made by Commissioner Malakoff and seconded by Commissioner Wolfson to have an agreement brought back for review; Voice vote: 7-0. **Max Sklar and City Attorney's Office to handle.**

Mayor Levine introduced the item and added that the idea is to place O Cinema at the Byron Carlyle Theater. It does not have to be a long-term deal, but this is an opportunity to stimulate and invigorate North Beach. O Cinema is a great independent cinema and it will be amazing in North Beach.

Commissioner Malakoff stated that O Cinema would bring a good deal, including foot traffic, to North Beach and a younger clientele. Her direction is to have an agreement brought back for review. **Max Sklar to handle.**

Commissioner Weithorn stated that in anticipation of this, the Finance and Citywide Projects Committee's recommendation for capital includes placing the necessary capital infrastructure funds to allow this to happen.

Discussion held.

Kareem Tabsch, Co-Founder and Co-Director of O Cinema, spoke.

Commissioner Tobin stated that he asked Niesen Kasdin to reach out to Regal Cinema to open a first run movie theater at Byron Carlyle, and Commissioner Tobin would like to wait until he hears from Regal.

Mayor Levine explained that this is a totally different concept. He has seen it at Wynwood and other locations. This is an urban concept that is home grown and different.

Kareem Tabsch, Co-Founder and Co-Director of O Cinema, spoke.

Commissioner Tobin asked if this would bypass our procurement process.

Jimmy L. Morales, City Manager stated that we will negotiate an agreement, bring it back and it will require a waiver of competitive process.

Discussion continued

Max Sklar, Tourism, Culture and Economic Development Director, stated that the improvements the City will make would be about \$140,000 for roof, electrical, plumbing system repairs of the facilities. Any equipment needed, for example film projectors, will be the responsibility of O Cinema.

Vice-Mayor Grieco inquired, as the City recently passed an Ordinance regarding the serving of alcohol in movie theaters, how would this affect this request.

In response to a question posed by the Mayor, Mr. Tabsch stated that they would prefer to have the ability to sell alcohol. Mr. Tabsch confirmed that O Cinema sells beer and wines in their other theaters. Mr. Aguila stated that the Ordinance would have to be amended. **City Attorney's Office to handle.**

Mr. Tabsch informed Commissioner Wolfson that O Cinema has been in business 3.5 years, and this would be their third theater.

Handouts or Reference Materials:

1. Email from Kirk Paskal dated July 21, 2014, RE: O Cinema at the Byron-Carlyle Theater to Mayor and City Commissioners.

R9O Discussion Related To O Cinema And A Potential Partnership With The Byron Carlyle Theater.
(Requested by Mayor Philip Levine)

ACTION: Discussion held in conjunction with item R9N.

9:09:25 a.m.

R9P Discussion Of What Can Be Done To Ensure Continued Access For Emergency Vehicles And Residential Access To/From The Venetian Causeway Via The East Bridge During Construction On The West Bridge.

(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held.

Commissioner Steinberg introduced the item.

Miami Beach Fire Chief Fernandez explained the item. The Venetian Causeway bridge access is a problem shared by the cities of Miami Beach and Miami. The City of Miami cannot currently bring fire trucks over the bridge because of weight limitations. The Miami Beach Fire Department has agreed to respond to all of the calls on the Venetian Causeway. In an effort to alleviate the burden off the Miami Beach Fire Department, the City of Miami has placed a fire truck at 1000 Venetian Lane, and in addition, it will provide pickup trucks that can bring personnel and equipment to the Venetian Causeway in the event of an emergency. In the months of October, November and December, the west side bridge will be permanently up, or inaccessible, so the Miami Beach Fire Department and Police Department will work together to ensure moving capacity 24 hours a day, so that in the event of a fire, fire trucks and ships can be brought into Miami Beach.

Mayor Levine asked if any equipment or assistance was needed, because he would gladly provide it. Chief Fernandez said keeping the bridge down would be a big help.

Transportation Department Director Jose Gonzalez spoke about the transportation perspective in regards to the west end bridge. The latest bridge inspection report stated that the weight limitation would be increased from 11 to 16 tons, which means the South Beach Local Bus can once again travel along that bridge once construction is finished. Mr. Gonzalez also explained the contingency plans to keep bicycles, pedestrians and cars moving while the bridge is under repair. One of the plans is in cooperation with the Coast Guard to restrict bridge activity, and have vessels to go on the west end bridge, rather than having activity on the east end bridge.

Miami Beach Residents Holly Wallack and Tony Santos spoke regarding the dangers of inaccessibility, especially of the fear of being cut-off from the aid of first responders. Ms. Wallack requested the City to petition to the Coast Guard to lock down the east bridge in a down position while the west bridge is under construction. Boat traffic could be redirected by the west bridge. Mr. Santos also encouraged the Commission to make this request of the Coast Guard.

Mayor Levine directed that staff write a letter on his behalf, addressed to the Coast Guard, making the lock down request. He will present the letter to the Coast Guard and follow-up with a call/visit to the Commandant.

TO DO:

Jose Gonzalez to draft letter to the letter to the Coast Guard requesting lockdown of the east side bridge during construction of the west side bridge.

City Manager Morales explained that they would have to discuss the lock down request with both the County, as it is their bridge, and the Coast Guard.

Mayor Levine will speak with Mayor Jimenez of Miami-Dade County regarding these concerns. Mayor Levine added that he encourages the residents to reach out to their Miami-Dade County representatives as well.

Commissioner Steinberg stated that the conversation should include trying to expedite the work, so that these repairs do not linger for extra months.

4:27:40 p.m.

R9Q Discussion Regarding Long Term Problems That Need To Be Addressed At 17th Street And Alton Road Intersection.

(Requested by Vice-Mayor Michael Grieco)

ACTION: Discussion held. Item referred. Motion made by Vice-Mayor Grieco to refer the item to the Neighborhood/Community Affairs Committee; seconded by Commissioner Wolfson; Voice vote 7-0. **Vania Pedraja to place on the committee agenda. Eric Carpenter and Jose Gonzalez to handle.**

REFERRAL:

Item referred to the Neighborhood/Community Affairs Committee

Vice-Mayor Grieco stated this should be a referral to the Neighborhood/Community Affairs Committee, and added that they have received correspondence from Miami Beach United signed off by every neighborhood association in that area regarding what is happening at 17th Street and Alton Road and the future plans for it. The best thing to do is to refer this item to have a full discussion. He moved to refer.

Commissioner Weithorn requested staff to review the recommendations and give their comments when it goes to Neighborhood/Community Affairs Committee for discussion. **Eric Carpenter and Jose Gonzalez to handle.**

Vice-Mayor Grieco explained that staff should take into account current construction as well as taking into account the traffic regarding the closing of the Venetian Causeway and how it will affect the neighbors. **Eric Carpenter and Jose Gonzalez to handle.**

Commissioner Tobin added that any other intersections that they have identified as having a failing gated, and there are several identified, should be addressed in this referral as well. **Eric Carpenter and Jose Gonzalez to handle.**

4:29:41 p.m.

R9R Discussion Regarding After-School Opportunities For Teens In North Beach Or Lack Thereof.
(Requested by Vice-Mayor Michael Grieco)

ACTION: Discussion held.

Vice-Mayor Grieco stated he had individuals from North Beach reach out to him regarding opportunities for teens, because opportunities for teens north of 50 Street are very limited.

Commissioner Weithorn stated that there was substantial discussion on this at the budget hearings.

John Rebar, Parks and Recreation Department Director, explained that we will be losing our largest and most popular teen center in the south end. We are putting a new teen center land in North Beach. They are looking at several options, adding a new or adding to it, or the building at Crespi, and looking at the possibility around the North Shore Park Youth Center. They will be bringing options to the Blue Ribbon meeting tomorrow.

Commissioner Weithorn stated that the Finance Committee recommended the \$500,000 project because among all the projects in North Beach they considered this one as being the most important.

Commissioner Tobin stated that it would be a rocking teen center if we had it at the beach. The teens will love having a teen center at the beach right at the park.

Discussion held.

Commissioner Tobin asked if there is consensus for a teen center at the beach.

There was no consensus to place the teen center at the beach.

Commissioner Weithorn stated that most important and attractive thing for a teen center is basketball courts.

Commissioner Tobin stated that there are no regulation outdoor basketball courts in North Beach.

4:34:41 p.m.

R9S Update On Architectural And Planning Services For Washington Avenue And North Beach.
(City Manager's Office)

ACTION: Discussion held.

Jimmy L. Morales, City Manager, stated that the Blue Ribbon Panel for Washington Avenue has asked for the services of Bernard Zyscovich. He is on a wheel of contractors and we need to update our scope of services and an amendment needs to be prepared by the City Attorney's Office. With respect to North Beach, he does not believe that the Panel has asked for a specific architect.

Thomas Mooney, Planning Department Director stated that they had recommended FIU, and there was a meeting with FIU last week.

The Mayor welcomes Mr. Zyscovich being in charge of the Washington Avenue project, but he has concerns over students who may not have enough criteria and/or experience to be in charge of such a project. In short, he does not want North Beach to become a "summer project" for college students.

Commissioner Weithorn stated that she has no problem with FIU students being involved with the project so long as a professor or professional is the head of the project. She explained that the analysis that needs to be done is to find out what are the issues stopping development on North Beach. If this is not done, there will not be good results. She feels students do not have the experience to do this by themselves.

Mayor Levine agrees with Commissioner Weithorn and added that time is of the essence.

Discussion continued regarding North Beach, 71st Street, and Ocean Terrace.

City Manager Morales mentioned that one of the easiest development opportunities for the City would be the nine (9) West Lots that are owned and controlled by the City, in this instance they can start developing almost immediately.

Assistant City Manager Joe Jimenez stated the West Lots by themselves are subject to referendum, and would likely be an RFP. This matters because any organization hired would then be precluded from bidding on the project, which would make it difficult to find an interested firm.

Commissioner Malakoff proposed having FIU draw up the master plan for the West Lots, and later have the City hire a planning firm for the development.

Mayor Levine expressed his approval of this idea. Mayor Levine instructed hiring a professional and to get moving on this project. He stated that we need to do the right thing. **City Manager's Office to handle.**

5:07:13 p.m.

R9T Discussion Regarding Muss Park And The Best Option Available To Provide Better Weather Protection For The Young Children Who Attend Our Programs There.
(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held. David Martinez, CIP Director, to send an LTC with the alternatives, and bring a recommendation to the July 30, 2014 Commission meeting. Lilia Cardillo to place on the Commission Agenda if received. **David Martinez to send LTC and to handle.**

Commissioner Steinberg stated that Muss Park is the only park in our City that has programs and after care for young children ages four, five and six without upper level protection. She looked at the plans regarding the vinyl curtain and has issues with it. There should be a better solution without delaying it. This is a Band-Aid solution and we can do better. In order to make the pavilion work, there has to be shade and ventilation. The pavilion only allows 50 children, and there are about 128 children enrolled in the program. She met with the CIP and the Parks and Recreations Directors and came up with a few ideas. She wants to know if her colleagues want to do something with a more long-term solution.

Commissioner Weithorn stated that staff was directed to place this as a funding option on the Capital Budget. **John Woodruff to handle.**

5:09:36 p.m.

David Martinez, CIP Director, explained the he looked at alternatives based on the ideas from John Rebar, Parks and Recreation Director, and Commissioner Steinberg. Mr. Martinez provided four alternatives:

1. Do away with the vinyl screens and portable air conditioning units of the pavilion and build a "Taj Mahal," meaning that anything necessary would be implemented using guidelines based on 120 children. There would be a small office for management, and the 3,800 square foot building. This option would keep the pavilion and bring it up to Code. The total cost would be approximately \$1,000,000.
2. This alternative would be the same as the first one, but instead of bringing the pavilion up to Code, they would demolish it and build anew. The total cost would be approximately \$1,050,000.
3. Renovate the pavilion with vinyl screens, and portable air conditioning units to house 50-60 children, and build a smaller pavilion that would use open architecture with one unisex bathroom, no reception office. The total cost would be approximately \$562,000.
4. Renovate the pavilion with vinyl screens, and portable air conditioning units and build a larger building to house 120 children, using open architecture, one unisex bathroom, and no reception office. The total cost would be approximately \$775,000.

Discussion held.

John Rebar, Parks and Recreation Director, explained.

Discussion continued.

Commissioner Steinberg stated that they want direction as to proceeding with one of these alternatives. She asked David Martinez to e-mail the alternative to all the Commissioners and they could be discussed on July 30. Considering the costs, probably alternative three or four would make more sense.

Discussion continued.

David Martinez, CIP Director, stated that he will send an LTC with the alternatives, and will bring a recommendation to the July 30, 2014 Commission meeting. **David Martinez to send LTC and handle.**

8:48:31 a.m.

R9U Update On Terminal Island Development Project.
(Planning)

ACTION: Item referred to Finance Citywide Projects Committee. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice Vote: 5-0: Absent: Vice-Mayor Grieco and Commissioner Wolfson. **Patricia Walker to place on the agenda, Thomas Mooney to handle.**

REFERRAL:

Finance and Citywide Projects Committee meeting of July 30, 2014.

Mayor Levine introduced the item.

Commissioner Weithorn stated that there is a Special Finance and Citywide Projects Committee meeting next week (July 30, 2014) and she would like to refer this item to that meeting.

Mayor Levine stated that they need the appraisal of the land, and to have more information from the neighborhood associations.

Commissioner Malakoff explained that Terminal Island is the last Light Industrial District in Miami Beach, and they want to make sure protections are in place for when people purchase condominiums in the surrounding areas, so that they are aware of it, and hold the City harmless.

Niesen Kasdin, representing New Guard, stated that they are aware of the additional concerns to the proposal. Mr. Kasdin reiterated that this is not a deal, but rather a framework for a deal. This is not the time to ask for the approval of anything, but would prefer to discuss this again in September. They are proposing a methodology for both parties to agree.

Mayor Levine does not want to rush anything because it is too big of an issue to be rushed.

Motion made by Commissioner Weithorn to refer to the Finance and Citywide Projects (FCWP) Committee meeting of July 30, 2014. Seconded by Commissioner Malakoff.

2:21:25 p.m.**ADDENDUM MATERIAL 1:**

R9V Discussion Regarding Terminating Holiday Decorations Contract - ITB No. 179-2013-SW And Issue New ITB Or RFP For Installation, Removal, And Maintenance Of Holiday Decorations.
(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Motion made by Commissioner Wolfson to terminate the contract and issue a new procurement process (staff to determine the best procurement process); seconded by Vice-Mayor Grieco; Voice vote: 7-0. **John Rebar and Alex Denis to handle.**

Commissioner Wolfson stated that in reviewing this item it appears to him that the bidder that did not get the bid is actually the cheapest and has the best capacity to do the work. They are here today and want to explain their position.

Vice-Mayor Grieco pointed out that he remembered that the City's Christmas tree had half of its lights out.

Jose Diaz, Akerman LLP, on behalf of Miami Christmas Lights, explained that when they submitted the RFP last year, it was not accepted because they proposed using new lights. This is the way they do business. He added that they were the cheapest even when using many of their own products.

Vice-Mayor Grieco questioned the reasoning as to why the company that was rejected was less expensive and was going to use their own lights.

Motion made by Commissioner Wolfson to terminate the contract and issue a new procurement process (staff to determine the best procurement process); seconded by Vice-Mayor Grieco; Voice vote: 7-0.

City Manager Jimmy L. Morales stated that this must be done very quickly in order to get the lights up for the holiday season. The Administration will be coming back as soon as it can, with suggestion.

5:18:32 p.m.**ADDENDUM MATERIAL 1:**

R9W Discussion Regarding Status Of Lincoln Road RFQ.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item withdrawn.

Commissioner Tobin stated that he received an LTC on this, and he is satisfied.

5:18:54 p.m.

ADDENDUM MATERIAL 1:

R9X Discussion Regarding The Collins Canal/Dade Boulevard Bike Path Project.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item deferred to September 10, 2014 meeting.

Commissioner Tobin stated that he thought there would be members of the public present to speak on this item, but there were none.

Commissioner Malakoff stated that they have received e-mails from several members of the public.

Commissioner Tobin explained that is the reason he put this item on, he thought the residents wanted to discuss it. There was a volunteer landscape architect that did a bunch of plans for this particular portion of Dade Boulevard.

Commissioner Tobin inquired of John Rebar if he was set to break ground, start construction or planting tree on Dade Boulevard.

Mr. Rebar, Parks and Recreation Director, stated that currently they are in a holding pattern waiting to resolve what is exactly wanted before it is put out to advertising.

Commissioner Tobin explained that there was sentiment by some of the residents that we had made this a sort of a concrete/expressway type barricade.

Commissioner Malakoff stated that there is no green; there are no trees, no mangroves and there is no shade. The only thing there is a concrete wall, and it is disgusting.

Commissioner Weithorn inquired how tall the seawall was. Mr. Rebar responded that it is anywhere from 4.5 feet at its lowest point to 10 feet at its highest point.

Commissioner Tobin requested that this matter be deferred to the Commission meeting of September 10, 2014.

Handouts or Reference Materials:

1. Email from shergoldcom@gmail.com dated July 21, 2014, RE: July 23 Commission Discussion Item: Collins Canal-Dade Blvd. Bike Path.

5:20:49 p.m.**ADDENDUM MATERIAL 1:**

R9Y Discussion On The Marine And Water Front Authority's Sunset Harbor Cruising Vessel Dockage Motion.

(Requested by Commissioner Joy Malakoff)

ACTION: Discussion held.

Commissioner Malakoff introduced Captain Kipnis to help address the issue, and stated that there are many boats anchored on our waterways near or in front of our single-family homes. They are an eyesore, they dump trash on the water and the residents do not have privacy. She asked Captain Kipnis for suggestions.

Captain Daniel Kipnis, member of the Marine and Water Front Authority, stated Joe Jimenez just came back from Tallahassee and Mr. Jimenez should brief the City Commission first.

Joe Jimenez, Assistant City Manager, stated that the Fish and Wild Life Commission scheduled a series of public meetings between stakeholders that are interested in this issue. The meeting was attended by representatives of Ft. Lauderdale, Clearwater, St. Augustine, Sarasota, the Broward Sheriff's Office, a representative from State Representative David Richardson's office, and lobbyists from the boating industry. What exists today is a pilot program that allows five cities to have mooring fields, and they can regulate anchoring in and around those mooring fields. What Ft. Lauderdale, Broward County and Miami Beach focused on was what happens if you do not have a mooring field. Primarily what is needed is a setback on residential properties. The measurement of spaces between the islands on Miami Beach is about 600 feet. We proposed a 350 feet separation. This will keep boats out of the residential neighborhood. The other subject was duration of the stay. Putting a rig on the boats will not work if we do not have the teeth to enforce it and we will fail. The Legislature really wants to give local governments more ability to regulate this type of activity. His opinion is that the best solution is a distance separation from residential properties. In speaking with the Legislators, it may be possible that Broward and Dade Counties would get this because we are more intense residentially on our waterways than other counties around the State. Mr. Jimenez asked for direction from the City Commission.

Captain Daniel Kipnis, member of the Marine and Water Front Authority, stated that many of the boats anchored behind homes are derelict vessels that do not have holding tanks, do not ever move and people live there. This is like having homeless people on a boat. Two weeks ago, there were 57 boats tied up around the bridge on Belle Isle. The Marine Patrol counted those boats. We would like Miami Beach to be a cruising destination for the good boats. The Marine Authority is actually proposing to build a facility for this with a floating dock and an area with City owned bay bottom. We own a piece of bay bottom. If we have this, by law, we should qualify to be able to pass laws in this City to regulate where and how long they dock their boats in residential homes. He requested that this be referred to the Neighborhoods/Community Affairs Committee.

Joe Jimenez, Assistant City Manager, stated that the pilot program for the five cities that have mooring fields expires on June 30, 2017. He recommends requesting the Legislature to give the City the authority to regulate and we have time to do this.

Discussion continued.

Captain Daniel Kipnis, member of the Marine and Water Front Authority, stated that it is very important to double the size of the marine patrol in Miami Beach.

R9Z Request For Waiver Of Conflict By Holland & Knight LLP.
(City Attorney's Office)

ACTION: Duplicate item. See Item C7AA. See action with C7AA.

4:24:34 p.m.

ADDENDUM MATERIAL 2:

R9AA Discussion Regarding A Possible Domino Park In North Beach.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. Moved by acclamation for Administration to prepare a plan and come up with a process and a cost estimate. **John Rebar to handle.**

RECOMMENDATIONS:

Bring back to Commission with a proposed plan and process.

Bring back a cost estimate and funding sources.

Reach out to the Police Department and Homeless Outreach to build park with appropriate tables and chair to discourage homeless population.

Mayor Levine stated that John Rebar, Parks and Recreation Director, and himself toured the North Beach Senior Center and looked at the existing condition of the volleyball court. They discussed the idea of placing a Domino Park next to the Senior Center, and clean up the place to make it attractive to seniors.

John Rebar, Parks and Recreation Department Director, explained that there is an opportunity in that area, since CIP is working on a small project in Bandshell Park. He learned that they need to get approval from some of the historical preservation and regulatory boards, but they can create a small Domino Park in the area south of the park, which would bring positive activity to the park. They can also refurbish the sand in the volleyball court and perhaps add other elements that would make it attractive to all ages, not only seniors.

Mayor Levine explained that the Domino Park would be outstanding and could become a tourist attraction.

Commissioner Weithorn suggested that they have a conversation with the Police Department and Homeless Outreach, so that whenever the Domino Park is built, it is built with appropriate tables and/or seating, so as not to have an encouraging effect on the homeless to visit. She believes there is funding left for this project. **Chief Oates and Maria Ruiz to handle.**

Mayor Levine stated that potentially, in the event they do the deal in the 87th Street, a portion could be appropriated towards that project.

Jimmy L. Morales, City Manager, clarified that they are doing work to finish this park, and also needs the Land Use Boards and/or Blue Ribbon Committee's approvals, but they could identify

some quality of life funds. They need to figure out a cost estimate for this. **John Rebar and David Martinez to handle.**

Mayor Levine requested Administration to come back with a proposal, an idea and a sketch to proceed. Moved by acclamation. **John Rebar and David Martinez to handle.**

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 241-2014):
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.

(City Clerk's Office)

End of Regular Agenda

Meeting adjourned at 5:34:41 p.m.